

Justice, Law and Order Sector End of Project Evaluation Uganda

Evaluation report



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Acronyms

ADA	Austrian Development Agency
ASF	Avocats Sans Frontières
BEMO	Beoordelingsmemorandum (Assessment memorandum)
BHOS	Buitenlandse Handel en Ontwikkelingssamenwerking
CSO	Civil Society Organisation
DCIC	Directorate of Citizenship and Immigration Control
DGF	Democratic Governance Facility
DPP	Director of Public Prosecutions
DSH	Department for Stabilisation and Humanitarian Aid
DTF	Distance to Frontier
ECMISS	Electronic Court Case Management Information System
EKN	Embassy of the Kingdom of the Netherlands
FGD	Focus Group Discussion
FIDA	The Uganda Association of Women Lawyers
GBV	Gender Based Violence
GoU	Government of Uganda
HiiL	The Hague Institute for Innovation of Law
HR	Human rights
HRBA	Human Rights Based Approach
IDLO	International Development Law Organisation
JLOS	Justice Law and Order Sector
KAM	Kampala
KII	Key Informant Interviews
LASPNET	Legal Aid Service Provider's Network
LDC	Law Development Centre
LGBTI	Lesbian, gay, bisexual, transgender and intersex
M&E	Monitoring and Evaluation
MACS	Multi-Annual Country Strategy
MFA	Dutch Ministry of Foreign Affairs
MIA	Ministry of Internal Affairs
MLHUD	Ministry of Lands, Housing and Urban Development
MoFPED	Ministry of Planning and Economic Development
MoJCA	Ministry of Justice and Constitutional Affairs
MoLG	Ministry of Local Government

MTR	Mid-Term Review
NAP	National Action Plans
NDP	National Development Plan
NIMD	The Netherlands Institute for Multiparty Democracy
NIRA	National Identification and Registration Authority
OAG	Office of the Auditor General
ODPP	Office of the Director of Public Prosecutions
RLP	Refugee Law Project
SDP	Sector Development Plan
SGBV	Sexual and Gender Based Violence
SIMPO	Security Interest in Movable Property Registry System
SIP	Strategic Investment Plan
SOCO	Scene Of Crime Operations
SoPs	Standard operating Procedures
SRHR	Sexual and Reproductive Health and Rights
SRoL	Security and Rule of Law
TJ	Transitional Justice
ToC	Theory of Change
ToR	Terms of Reference
UHRC	Uganda Human Rights Commission
ULRC	Uganda Law Reform Commission
ULS	Uganda Law Society
UNDP	The United Nations Development Programme
UNICEF	United Nations Children's Fund
UPF	Uganda Police Force
URSB	Uganda Registration Services Bureau
VNG	International Cooperation Agency of the Association of Netherlands Municipalities

Executive summary

The end of project evaluation assessed the Dutch support to the Justice, Law and Order Sector (JLOS) in Uganda during the period 2015-2021. The purpose of this evaluation was to evaluate whether the earmarked Dutch support to the JLOS had been relevant, efficient, effective, impactful, sustainable and coherent, including the risks of direct support to the sector. The evaluation also provided recommendations for possible future Dutch support to the JLOS, including on different modalities, taking into account political sensitivities surrounding direct support to the sector.

Dutch support to JLOS has been channelled through the EKN KAM towards 18 institutions that are responsible for administering justice, maintaining law and order and promoting the observance and respect of human rights (the supply side of justice). The earmarked support was intended to reduce the case backlog of the judiciary, enhance safety/security of refugees, promote transitional justice, to strengthen commercial justice, improve the infrastructure and services to youth and children, and to address gender/SGBV.

The evaluation team selected 8 JLOS institutions as case studies, and applied contribution analysis to five contribution cases. Besides this, the team conducted 39 key informant interviews, and 3 focus group discussions with key stakeholders from EKN KAM, JLOS, other development partners, NGOs, MFA, and beneficiaries. These interviews were held in Kampala, Masindi, Gulu and online/distantly. Desk review and a survey complemented these interviews. Following the data collection process, a sense-making workshop was undertaken with the reference group to further enrich the findings and conclusions. Triangulation of findings was primarily based on comparing views expressed by different stakeholders with the reported results and direct observations.

Conclusions

The project is well aligned to policy priorities of EKN KAM and **relevant** to JLOS stakeholders for its support towards systemic change and strengthening institutions throughout the justice sector, even though prioritisation (e.g. focus on specific result areas such as SGBV and access to justice for children) sometimes is considered to counter that. The project is also considered moderately relevant for beneficiaries to increase their access to legal representation and understand court processes.

The evaluation traced the following main assumptions underlying the rationale to support the project and sector which were considered valid:

- supporting both demand and supply sides of justice will lead to most impact on improving access to justice
- improved infrastructure contributes to increased access to justice by facilitating both actual access, use and coverage
- reduction of case backlog is instrumental to increase access to justice.
- providing support to the JLOS gives the Embassy/Dutch MFA important channels to address issues of concern with JLOS

The identified **risks** of political interference and the Rule of Law being constrained by human rights violations/brutalities by security forces have materialised during the project's lifetime, and faced strong political backlash in the Netherlands. These continue

to be realistic risks, especially in light of the upcoming elections in Uganda and previously identified mitigation measures have not fully mitigated this risk.

The **modality of support** adopted by the Dutch embassy through earmarked funding has risks, advantages and disadvantages. It has enabled focused intervention on specific key result areas, strengthened collaboration within JLOS institutions in terms of planning as a sector, and monitoring and implementing planned activities. It has also enabled the JLOS leverage the GoU for budget support throughout the project period. Despite the availability of Dutch support, the funding gap remains a challenge for the sector. The annual GOU releases against budget always fall short of what is needed to sustain activities in the sector.

The **results** show that performance was mixed, while acknowledging that an almost two-year lockdown due to the Covid-19 pandemic has had a devastating impact on any progress made on reduction of case backlog. Even where the most-funded target of reducing case backlog to single digit was not achieved during the project, there is evidence that the support enabled JLOS institutions to plan more collaboratively towards activities. The earmarked funding to JLOS institutions also provided an opportunity for adaptation and adoption of new technologies towards improving access to justice.

Regarding **impact**, there are indications of improved coordination and collaboration at JLOS which enhances service delivery. Furthermore, digital solutions and infrastructure that were provided through the Dutch support increased access and coverage. Support to JLOS has contributed to the bilateral relations between the two countries and has enabled EKN KAM to have channels and opportunities to table issues of concern. However, there is little to no direct evidence of results and impact of this diplomacy. Regarding some of the unintended and negative effects, the evaluation noted that some traditional leaders trained on basics of Uganda law and procedures are reported to have started to charge some fees for dispute resolution within refugee communities. There is also a perception of overreliance on plea bargaining as a way to reduce the case backlog.

The **contribution** of Dutch support to specific changes has been mostly of low (3x), of moderate (1x) and of high (1x) significance. Looking at the size of the interventions in light of the overall needs, and the additional interventions and programs that take place in parallel, the Dutch support is useful, but of a low significance in terms of its contribution towards achieving the stated outcomes.

The **sustainability** of outcomes and benefits of support is considered most likely at the levels of increased capacity building, although staff turnover remains an ever-present risk. While hardware and infrastructure is likely to stay, maintenance and further roll-out will slow down or be unlikely if funding ends. Sustainability of some strategies to improve access to justice of vulnerable persons is still premised on (earmarked) Dutch support, and case backlog is likely to increase if the prosecutors and case management system being rolled out is not effectively concluded).

The Dutch support to JLOS is **coherent** with the priority areas and intended outcomes in Uganda as formulated in the EKN KAMs MACS for 2019-2022, with national plans and that of other development partners, as well as aligned with support to civil society, However, the suspension of DGF has meant a devastating blow to the EKN KAMs strategy and assumption that one needs to support both demand and supply side of justice in order to create impact on access of justice.

The evaluation team recommends the following:

Recommendations for future programming

The context in which future programming will happen can be looked at from the national development perspective. The JLOS has now been incorporated into the Governance and Security Programme. Subsequent programming will be in accordance with the Governance and Security Implementation Plan and the Access to Justice sub-programme. In addition, the Judiciary has now been separated from other law and order institutions as an independent arm of government.

In similar/future programmes, dedicated and trained M&E staff or project manager needs to be incorporated to ensure uniform, good-quality and reliable collection, analysis, monitoring of data, and reporting. Not only attention to collection and sharing of data is important, but also using this data to learn and adapt a project when necessary. In parallel, capacity building support can be given to enhance M&E capacity at the level of the sector institutions.

We recommend channelling support towards the capacity and tools to use of digital technology to ensure the training departments of JLOS agencies have the capacity to provide ongoing training and sustain capacity building of staff where new recruits are brought on board or those already trained are transferred.

Recommendations on assumptions

1. Supporting both demand and supply sides of justice will lead to most impact on improving access to justice.

This assumption requires a review of EKNs current SRoL programme and supporting projects that ensure a new balance between demand and supply, considering the suspension of DGF. Right now, the balance is skewed toward the supply side.

2. Improved infrastructure contributes to increased access to justice by facilitating both actual access, use and coverage.

Supporting infrastructure as a way to increase access to justice is relevant and effective, especially tools and capacity building to use digital infrastructure in support of more efficient service delivery.

3. Reduction of case backlog is instrumental to increase access to justice.

While reduction of case backlog remains vital to create systemic change in increased access to justice, this requires a very holistic, concerted and systemic approach that cannot be expected from one development partner alone. Expectations on Dutch contribution to this aim should be lowered.

4. Providing support to the JLOS gives the Embassy/Dutch MFA important channels to address issues of concern with JLOS.

If support to JLOS is continued, this channel is still in place and could and should be used to table issues, voice concerns, and ask specific questions. However, EKN KAM should lower its expectations to the level of results and impact of diplomacy it can achieve.

Specific recommendations on future Dutch support and modalities (and associated risks)

We distinguished 5 modalities of support. The evaluation attempted to weigh the likely implications of each modality, the effectiveness of mitigation measures deployed against the risks identified by the project and the advantages of each of these modalities to the Dutch as a development partner.

Supporting the Access to Justice sub-programme through modality 1 provides the advantage of greater influence with the Government. However, it involves a clear political risk. Modality 2 is the current model of support. Support through modality 3 provides an advantage of being able to empower the ultimate beneficiaries of a strengthened justice, law and order institutions. The UN institutions tend to remain cushioned from likelihood of government overreach than the international and national NGOs. However, its main limitation lies with the shrinking space of civil society to operate in Uganda. Support through modality 4 has the advantage of reducing overlap. However, there remains the risk of backlash which can impede implementation of the project. Support under modality 5 provides the advantage of tracking results easier. However it comes with a risk of leaving behind other justice and law institutions which slows down the progress of achieving broader outcomes. This modality does not facilitate visibility of the development partner.

A modality that mitigates this political risk somewhat but strikes the appropriate balance with diplomatic influence may be to support specific institutions within the Access to Justice sub-programme, and implementing partners (Modality 2 and 3). For instance, the judiciary (Strengthening Commercial and Criminal Justice, Refugees, TJ) and ODPP (SGBV, Children) directly, rather than the entire sub-programme. This is politically less sensitive for the Dutch government, and avoids the current broad cooperation which includes the police.

Scrutiny of this type of direct support to government's justice sectors in other countries will not only continue, but likely increase. The strategic goal of the Netherlands embassy in Uganda will be the key determining factor on the best modality of support. If that strategic goal is to support both demand and supply of justice, it will need to resolve the current imbalance due to the suspension of DGF.

We believe supporting modalities 2 and 3 will see considerably less (political) risks, and would ensure the support to justice in a more independent bottom-up way. However, with these modalities distinctly less direct engagement and influence on priority areas will be possible.

1 Introduction to the evaluation

1.1 Purpose and scope of the evaluation

This evaluation report presents the findings of the end of project evaluation of the Justice, Law and Order Sector (JLOS) in Uganda during the period 2015-2021. The purpose of this evaluation was twofold:

- 1) Review the project since 2015, and evaluate whether the earmarked Dutch support to the JLOS has been relevant, efficient, effective, impactful, sustainable and coherent, including the risks of direct support to the sector; and to
- 2) Provide recommendations for possible future Dutch support to the JLOS, including on different modalities, taking into account political sensitivities surrounding direct support to the sector.¹

The period of the evaluation covered implementation of the project since September 2015 to June 2021, when the last phase of the support ended. The period of evaluation is aligned with two sector development plans for JLOS (SDP III 2012-16 and SDP IV 2017-21). While the core of the support involved 18 JLOS institutions, the evaluation team made a selection of eight institutions for a case-based review.

1.2 Project context

The Embassy of the Kingdom of the Netherlands (EKN) has been supporting the Justice Law and Order Sector (JLOS) under different modalities since 2001. The initial support was provided within the context of Uganda's need to stabilise justice law and order institutions and to reconstruct the Northern part of Uganda following two decades of civil war. Alongside this was the need to work towards alternative mechanisms of dispute resolution through supporting transitional justice.

Uganda has continued to face political, social and economic challenges. The political environment has not changed dramatically over the last 36 years. The country has held presidential elections every five years, returning the same political party, the National Resistance Movement and its leader in power. This has increased pressure for a transition within the political space by civil society and conflict within the ruling party and among political parties. In 2018, there were concerns about a negative trend towards stability and the rule of law. At the time, this was demonstrated by the increased violence and a delay to commission an independent investigation on killings in Kasese; a failure to make public a report of the Uganda Human Rights Commission (UHRC) and Parliamentary committee on these killings. Other areas which raised concerns related to the trial of civilians in the Court martial, contrary to the law, and unresolved murders of women.

¹ Terms of Reference JLOS End of project evaluation, Ministry of Foreign Affairs, p. 4

Development partners were further concerned about the brutality of security institutions, and the failure of UHRC to address human rights violations within the legal framework.²

Domestic revenue mobilisation remains low. The country had begun to register some growth when the economy stalled due to the covid-19 crisis. The greatest amount of resources continue to be channelled to infrastructure development, particularly in the Albertin Graben as the country works towards first oil revenues. The country has a high population estimated at 46 million and projected to increase to 74 million by 2040.³ 21 percent of households in Uganda have been classified as poor and 44 percent as vulnerable to poverty.⁴ The country has a largely youthful population (18-35 years). Most of the labour force is under/unemployed. The majority is engaged in the agricultural sector. The covid-19 pandemic is reported to have increased the number of people working in the agricultural sector. At the same time, the country is reported to be among the most vulnerable and least adapted to climate change which increases household vulnerability to poverty. This provides a context for efforts to support small and medium scale businesses formalise their businesses so as to enhance their capacity to access credit and participate in public sector procurement for growth.

While a peace agreement was signed in 2006, the civil war in Northern Uganda left a legacy of suffering. War victims continue living with trauma, amidst poverty and tensions rising from reintegration and in other instances, land ownership. Young women who had been abducted by the Lord's Resistance Army and forced into motherhood; and children who had been abducted and turned into soldiers had to be reintegrated into their families and communities. The pursuit of a lasting solution included the trial of some of the perpetrators before the International Criminal Court of Justice and others through the special division of the Uganda High Court, the International Crimes Division which was established in 2008.

In the Western region, the proposed oil prospecting and exploration projects have led to an increase in social tensions arising from community concerns of displacement, and compensation for land. Understanding the nature of conflict and mitigating conflict among these communities has remained a concern. In addition, conflict in neighbouring countries has led to parts of Northern Uganda and Western Uganda to experience a rise in the number of refugees. The country is host to approximately 1.5 million registered refugees. The actual number is expected to be higher given that the country has 7 recognised border posts and 253 porous borders.

The country has also noted an increase in organised criminal syndicates operating in the country as indicated by the Uganda Police Annual Crime Reports (2017). These are involved in murder of high-profile persons such as the Assistant Inspector-General of Police in 2017; Assistant-Director of Public Prosecutions in 2015⁵, and an attack on

² Aide Memoire of 23rd Annual Joint GOU-DP Review 2018, page 4 and 5

³ Uganda Bureau of Statistics Report and World Bank Report 2021, page 42

⁴ World Bank report of 2021, page 10

⁵ Uganda Police Annual Crimes Report 2015, p. 23; Uganda Police Annual Crimes Report 2017, p.16

Cabinet Minister and General Katumba Wamala. The reports also show trafficking of narcotics, and trafficking of persons⁶ as concerning.

Within the JLOS sector, in particular, the support channelled came against a backdrop of dismal funding to the JLOS sector which in turn led to poor justice services delivery. By the time the EKN KAM began supporting the sector over two decades ago, the 18 JLOS institutions were facing the following challenges:

- Within the police failure to supply basic stationery at Police Stations across the nation, which meant that on reporting a complaint, a complainant would be asked to buy an exercise book to facilitate recording the complaint;
- Within the prisons facilities a failure to provide cuffs for detainees to and from remand for hearings. In some instances, detainees had to share cuffs; a shortage of transport for prisons which meant that on some occasions detainees had to walk to and from remand prisons, or failed to attend to court. Uncoordinated planning which led to law-and-order institutions being located in different parts of the same district. This meant that access to these facilities was impeded, particularly the courts, Public Prosecutors Offices and police required clients to walk long distances to follow up matters.
- The Judiciary did not have sufficient infrastructure at district level and a single High Courts served an entire region. This delayed the hearing of cases and contributed to the creation of backlog. Access to legal aid was limited to only those who were being tried for capital offences. This meant that many detainees who could not afford to hire a lawyer went through trial with limited or no independent legal support. There was no legal aid provided for civil disputes, including the most pressing disputes which revolve around land and family. In 2015, the judiciary's National Court census revealed that 114,809 cases were pending disposal.⁷

1.3 Background to the Dutch support to the JLOS

In the field of Security and Rule of Law, the Netherlands supports among others, the JLOS in Uganda. This support has been channelled through the EKN KAM towards 18 institutions that are responsible for administering justice, maintaining law and order and promoting the observance and respect of human rights (the supply side of justice).⁸

The Dutch support consisted of various types and periods. EKN KAM gave budget (non-earmarked) support to the JLOS, since 2001 onwards. There has been Dutch contribution to the JLOS SWAp fund (SIP III) 2012/13 – 2013/14. Then in 2015, the support changed to specific, earmarked activities, both as a result of the Dutch government policy to stop giving budget support in general and to be better able to track the results achieved with the Dutch support. The earmarked support continued to the JLOS SWAp Fund 2015/16 –

⁶ Police Annual Crimes Report 2017, page 10 and 27

⁷ JLOS Public Bemo 4000001011, page 3

⁸ Terms of Reference JLOS End of project evaluation, Ministry of Foreign Affairs

2016/17, for an amount of 2 million EUR. In 2017 JLOS-SDP IV started, which was “Dutch earmarked support to reduce the case backlog of the judiciary, enhance safety/security of refugees, promote transitional justice and to strengthen commercial justice.” In addition, the support will be used to improve the infrastructure and services of remand homes (youth and children) and to address gender/SGBV.”⁹ Together with an amendment made in 2019 to the contract, the total contribution by the EKN MFA to this last SDP IV program amounted to a total of 17 million EUR. The Dutch support to the JLOS sector was focused on the following six result areas:

1. Reduction of case backlog
2. Justice for children
3. SGBV
4. Safety and security of refugees (camps and settlements) and host communities
5. Transitional Justice
6. Commercial Justice

Support to the JLOS became a matter of debate in the Netherlands in the run up to elections in Uganda in January 2021. The Dutch Parliament and media raised concerns regarding the role of some of the supported institutions. The end of project evaluation would inform KAM if and how support of the JLOS-sector should be continued.

1.4 Methodology and limitations

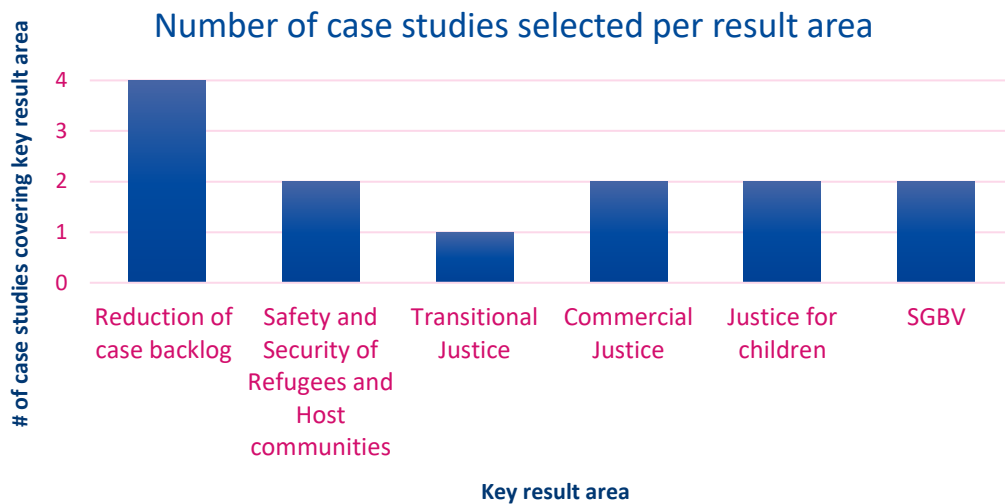
1.4.1 Case studies

During inception the evaluation team selected 8 cases from the 18 JLOS institutions, based on the following criteria:

- Institutions that were active in implementing activities related to the six key result areas (as opposed to institutions that had less engagement in the project);
- Representation of diverse JLOS actors - working on one or more of the six key result areas (see figure 1 for the key result area coverage);
- Regional representation of the institutions- which enables analysis of contextual factors influencing the project (particularly with regard to transitional justice).

⁹ BEMO Appraisal Document JLOS SDP-IV 2017-2020, p.1

Figure 1: Key result areas covered by case studies



Using the above criteria, we selected the following JLOS institutions as case studies:

- The Judiciary (Court of Appeal, High Court, Magistrate Court, Justice Centres)
- Uganda Prisons Service
- Ministry of Gender, Labour and Social Development (The Labour Court)
- Uganda Police Force
- Uganda Human Rights Commission
- Directorate of Public Prosecutions
- Uganda Registration Services Bureau
- Ministry of Local Government (Local Council Courts)

Given the national character of the JLOS institutions, we identified four that had stations/representation outside of Kampala and selected respondents from an up-country station to ensure proper regional representation in our case studies. We interviewed key informants from the Masindi High Court circuit; Uganda Police Force in Masindi; Uganda Prisons Service in Masindi in the western region of the country. In the Northern region, we interviewed respondents from Gulu High court and Uganda Human Rights Commission.

1.4.2 Contribution analysis

Due to the complexity of the project and external factors at play a role we used contribution analysis. Contribution analysis is a systematic approach that makes a project's contributions plausible, in relation to other contributing or contradicting factors external to the project. We aimed to have good representation of the different results areas in those contribution cases in order to capture most of the project logic through those cases. The analysis of the five cases can be found under Annex 2.

1.4.3 Interviews and focus group discussions

Key informant interviews (KIIs) and focus group discussions (FGDs) were held with stakeholders and beneficiaries, to get detailed qualitative information on the “how” and

the “why” behind the evaluation questions (and across all evaluation criteria). They were conducted both face to face in Kampala, Gulu and Masindi, as well as online. Table 1 shows the amount of interviews across different stakeholder categories.

Table 1: KIIS and FGDS conducted across respondent categories

	CATEGORY	KIIS	FGDS
1	JLOS secretariat	3	0
2	EKN Kampala	5	0
3	Development partners (EU, Austria, Sweden and IDLO, DGF and UN-agencies)	5	0
4	Case study JLOS institutions 8 Institutions (3 in Masindi, 2 in Gulu)	17	0
5	Beneficiaries	0	3
6	Civil society organisations	7	0
7	MFA	2	0
TOTALS		39	3

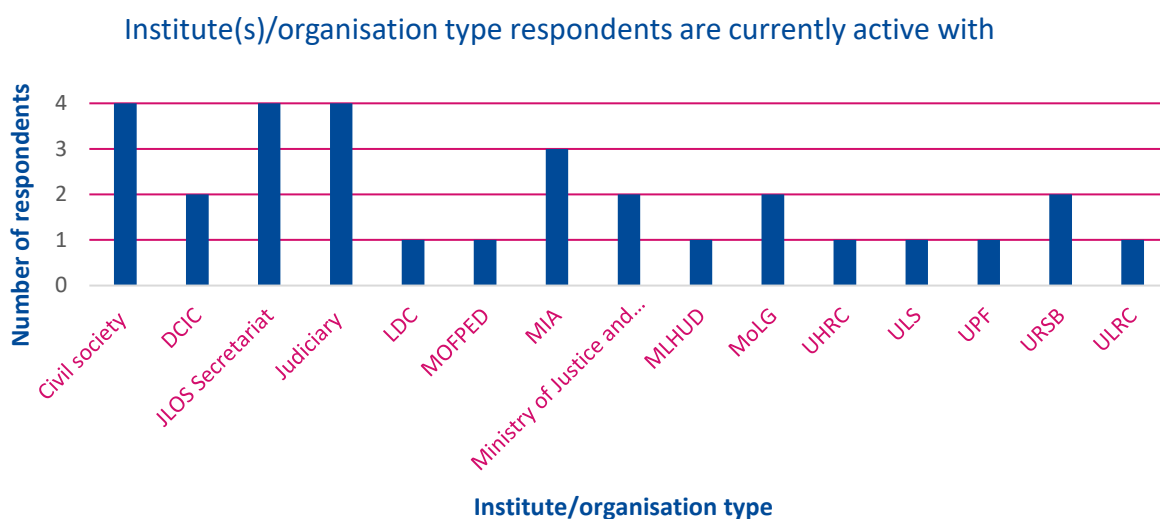
1.4.4 Survey

To complement the qualitative data and to be able to identify trends in perceptions of a greater variety of stakeholders, a survey was developed. The survey consisted of a set of closed questions, Likert-scales to capture respondents’ perceptions and open questions and textboxes that allowed respondents to provide more in-depth answers or to allow them to further elaborate their answers. The survey was designed and disseminated using SurveyMonkey.¹⁰ In total, 30 respondents participated of which 23 respondents fully completed the survey.¹¹ Of these respondents 67% indicated to be male with the remaining respondents indicating to be female. The majority of respondents were affiliated with the Ugandan government, with the largest share being working at a Ministry, followed by the Judiciary, Directorate of Citizenship and Immigration Control and the remaining categories. 4 respondents indicated being part of Ugandan civil society. For a full overview, see Figure 2.

¹⁰ To ensure the anonymity of respondents and to protect their privacy, the survey will refrain from collecting names, email addresses, IP addresses and any other traceable data while collecting survey responses.

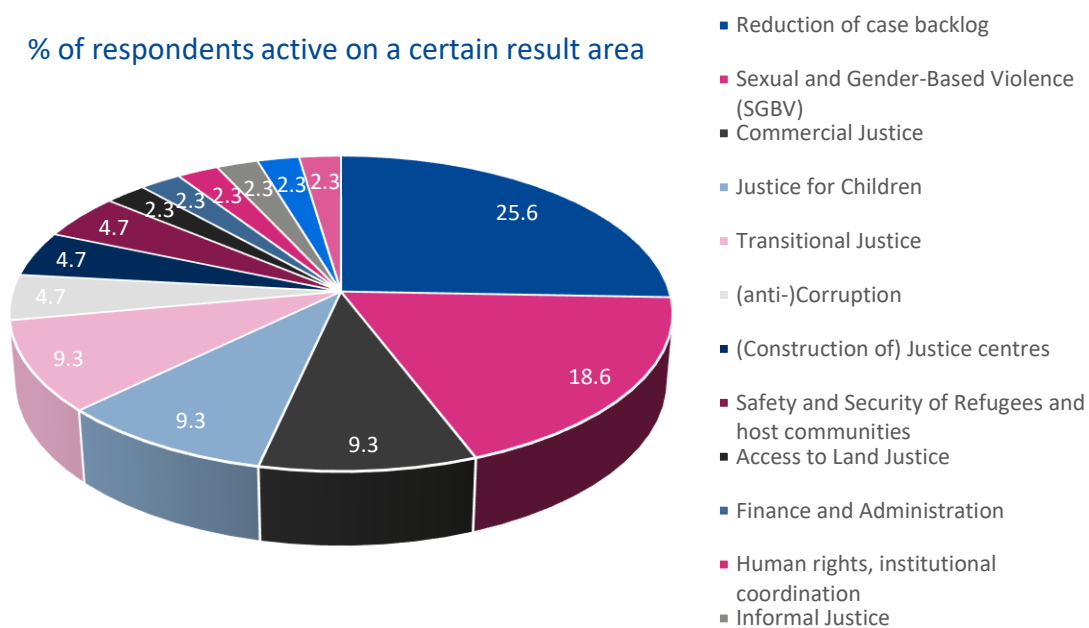
¹¹ Given this limited response rate and sample size, identified patterns in survey responses and corresponding inferences based on this data might not be representative of overall views on the project or generalisable to a larger population.

Figure 2: Distribution of respondents according to institution/organisation type



Most respondents indicated to be involved in reduction of case backlog followed by Sexual and Gender-Based Violence (SGBV) and the remaining categories. See Figure 3 for a full overview of respondents activities.

Figure 3: Distribution of respondents according to activity in result areas



1.4.5 Analysis

The information gathered using the methodologies indicated above were entered into an analysis matrix whereby all the feedback to each evaluation question and sub question were gathered on one excel spreadsheet therefore enabling the consolidation of information and feedback in one location generating the initial findings and conclusions. This greatly facilitated the formulation of the findings for the sensemaking workshop and eventually for this evaluation report.

1.4.6 Limitations and bias

- While the evaluation team requested full results against targets data overview from JLOS, to facilitate an assessment of achievements, to be triangulated against primary data collected. However, this overview was never received, despite reminders. Therefore, the M&E data against which to assess performance was incomplete and sometimes unclear when compared against the Beoordelingsmemorandum (BEMO) outcomes and outputs.
- The targets that the JLOS has set, are very generic, and not based or readjusted based on proper analysis. The use of M&E data is further complicated due to the nature of the support, earmarked funding given to a larger programme which simultaneously receives budget support through other donors. This has not been a standard evaluation in that one donor funded a specific project in one geographical location. While JLOS and EKN KAM have formulated and agreed workplans which stipulate the exact activities and quantities of inputs provided through Dutch support, this does not always make the funding provided easy to evaluate when looking at the higher-level outcomes. To overcome this limitation partly, the contribution cases were selected ensuring that those outputs and outcomes and result areas that were part of the workplan between the EKN KAM and JLOS were represented, rather than the more general M&E reporting that JLOS does towards all its donors.
- Despite mitigating measures, a certain degree of response bias should be considered. Respondents from JLOS institutions expect that support by EKN KAM could continue, and this expectation naturally led to socially-desirable responses. The survey was designed to allow the evaluators to collect open commentaries as well. These open responses were thoroughly analysed to add nuance to the interpretation of responses and to reflect these in the findings. In the presentation of findings comments we highlighted possible bias in responses was observed (e.g. when different responses are contradictory, overly positive, or not nuanced enough).

2 Analysis and findings

2.1 Relevance

2.1.1 Contribution to the goals and objectives of the Embassy and MFA in the field of rule of law

The SDP IV objectives were to empower the people, build trust and uphold rights.¹² In line with this, the purpose of the Dutch earmarked support was to promote the rule of law through enhancing JLOS infrastructure and access to JLOS services; promoting the observance of human rights and fighting corruption and strengthening commercial justice and the environment for competitiveness.^{13,14} As such, the project was very relevant to contributing to a number of the Department for Stabilisation and Humanitarian Aid (DSH) policy goals, e.g. strengthening institutions, democratic governance, and access to justice, as well as aid to trade policy objectives. The MFAs results framework for Security and Rule of Law (2020) has defined three long-term outcomes with which to reach its intended impact of “achieving legitimate stability and sustainable peace in conflict-affected states”. Although the Dutch support to JLOS touches upon several cross-cutting outcomes and pathways, it aligns itself most clearly to the long-term outcome for rule of law which is “strengthened rule of law so that people are better able to access their rights through fair, efficient, impartial, independent and accountable institutions”.

Respondents from the Embassy and the MFA confirm that the JLOS project is well aligned to both the Multi-Annual Country Strategy (MACS) of the EKN KAM, and the results framework for Security and Rule of Law (SRoL) of the MFA. The result areas that the Dutch support of JLOS is most evidently aligned to includes EKN KAMs results area for Peace, Security, Stability and Migration in the MACS for 2019-2022. This result area includes the following ultimate outcome that is directly deducted from the MFAs SRoL outcome area, formulated as “Ugandan citizens are better able to access their rights through fair, efficient, impartial, independent and accountable governance institutions”.¹⁵ This outcome relates on the one hand to the ambition to increase access to justice itself (and distinguishes under output levels the various justice areas). It also highlights the need for (government) institutions that deliver this justice to perform better. The design of the project to support JLOS has incorporated these two goals by increasing performance on service delivery at institutional levels, but also aiming to bring justice closer and make it more accessible to rights holders. The support to the JLOS is considered one of the pillars of the current MACS, as it views solid legal order as a precondition for democracy, democratic governance and attracting (foreign) investments.¹⁶ The JLOS secretariat was very open to suggestions by EKN KAM to include certain priority areas that were

¹² JLOS Annex 1 Arrangement 15-11-17 Dutch Support to JLOS SDP IV

¹³ Preamble to Signed Arrangement JLOS-KAM

¹⁴ The objectives under SIP III, supported by earmarked funding of the EKN KAM under the SWAp fund since 2015 had the following objectives: Strengthen legal and policy frame works for JLOS operations& national development; Access to JLOS services especially for the vulnerable persons enhanced: and Observance of human rights & accountability promoted.

¹⁵ EKN KAM (2018) Multi Annual Country Strategy 2019 to 2022 Uganda, p. 12

¹⁶ EKN KAM (2019) Appraisal JLOS/SDP-IV 2019-2021

important to contribute to Dutch goals and objectives. Key examples in this is the focus on access to justice for children, and commercial justice due to the Dutch interest in increasing trade relationships.

In summary, the design of the JLOS project is well aligned to both the MACS of the EKN KAM, and to the SRoL results framework of the MFA, while EKN KAM was further able to increase the projects’ relevance by requesting certain results areas to be included and prioritised.

2.1.2 Underlying assumptions and evidence-based interventions

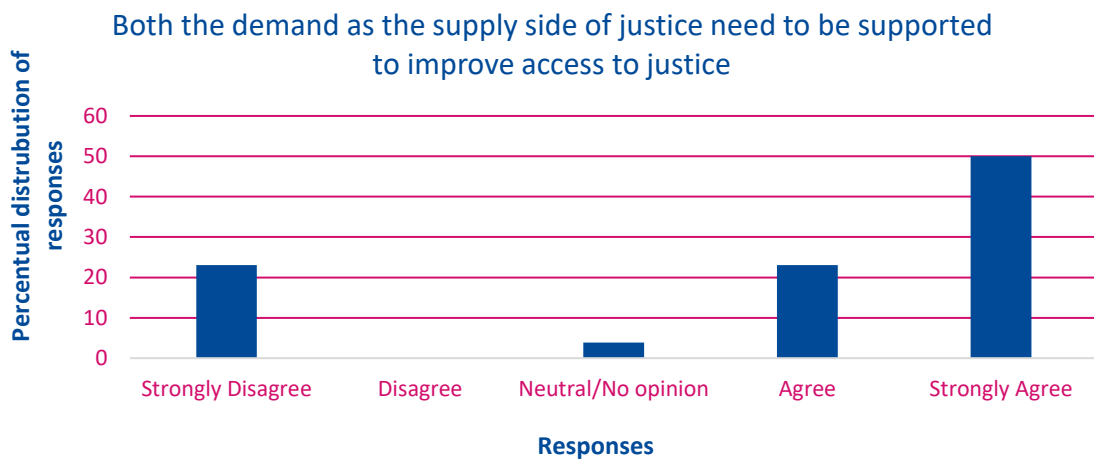
While assumptions were not written out and made explicit, through document review and interviews some main assumptions underlying the rationale behind the project were identified and assessed. We distinguish assumptions that are related to the workings of the intervention, but also assumptions on the part of the donor as to secondary and unwritten impacts, regarding subtle diplomacy.

The main assumptions have been:

1. supporting both demand and supply sides of justice will lead to most impact on improving access to justice
2. improved infrastructure contributes to increased access to justice by facilitating both actual access, use and coverage
3. reduction of case backlog is instrumental to increase access to justice.
4. providing support to the JLOS gives the Embassy/Dutch MFA important channels to address issues of concern with JLOS

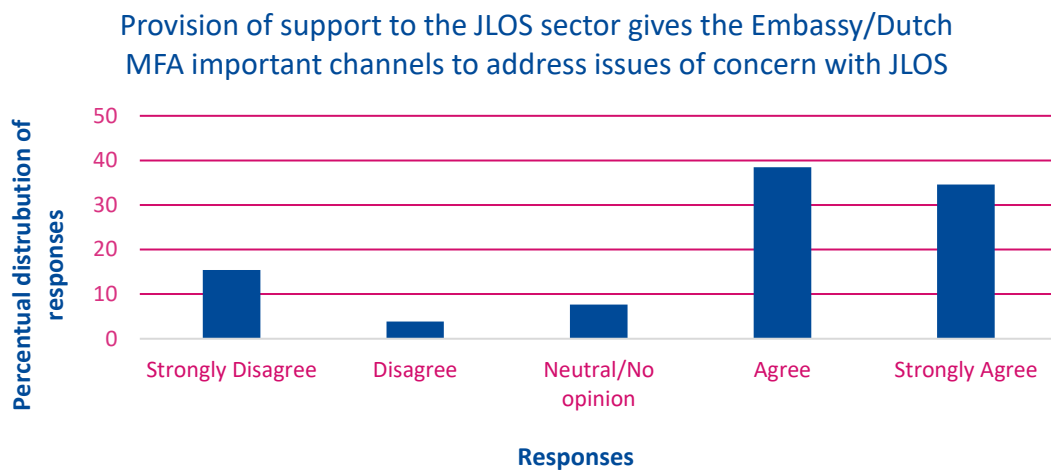
With regards to the assumption on the demand and supply sides of justice, as visible in Figure 4 the majority of survey respondents confirmed the validity of this assumption. Most of the respondents indicating to strongly disagree with the validity of the assumption are from Ugandan ministries and the JLOS secretariat.

Figure 4: Distribution of responses with regards to the validity of the assumption: “Supporting both demand and supply sides of justice will lead to most impact on improving access to justice.”



Concerning the assumption that provision of support to the JLOS sector provides the Embassy/Dutch MFA with important channels to address issues of concern with JLOS a majority of survey respondents confirm the validity of this assumption although, as visible in figure 5, in a less pronounced manner. Similar to the previous assumption, respondents that contest the validity of this assumption are mostly from Ugandan ministries, the JLOS secretariat and the Directorate of Citizenship and Immigration Control. Similar to the previous assumption, with regards to the result areas respondents indicated they are active in, no clear patters are discernible.

Figure 5: Distribution of responses with regards to the validity of the assumption: “Provision of support to the JLOS sector gives the Embassy/Dutch MFA important channels to address issues of concern with JLOS.”



The evaluation assesses the assumptions to be mostly valid as further demonstrated in the sections of the report dealing with effectiveness and impact, where we further unpack these assumptions and tie them to the projects’ results and effects.

The underlying evidence for interventions was not based on strong analysis and reporting on the part of the JLOS secretariat. There is a general perception amongst most development partners that were interviewed, that reporting on the project and its results was weak. The report elaborates this further under the effectiveness paragraph.

Furthermore, the ability to adapt the relevance of the interventions based on changing contexts has sometimes been a challenge, this was most noticeable in the context of transitional justice (TJ) as the evaluation team witnessed in Gulu and Kampala. The activities on TJ were meant to engage affected communities and victims in the criminal trials, and it was expected that participation in these trials would provide a sense of justice to them. However, during the outreach activities, whilst some community members appreciated the criminal proceedings, a number of them considered reparations (in the form of individual compensation) as the ideal form of justice. As the outreach activities were being implemented, the TJ policy was also being developed. The current TJ policy does not provide for individual compensation, but for reparations in the form of investments in the community through various government programs/interventions. Unfortunately, this information has not been shared with the communities/victims as yet, and therefore they have unmet expectations. In addition, there has been a lag in

communication about the trials. During the FGD, the respondents mentioned that they had no idea what was going on and that this lack of information, as well as the delays in the trials negatively affected their perception of the viability of justice through the courts. The JLOS project was unable to adapt its messaging to community expectations, the delayed TJ policy development, and the delayed trials.

While the evaluation assesses the identified assumptions as mostly valid, the evidence underlying the interventions was not always clearly presented. Also, as the example on transitional justice shows, the project was not always able to maintain the relevance of the interventions and communication on these in line with the changing context and developments.

2.1.3 Identification, impact and mitigation of risks

The appraisal of the SDP-IV project in 2017 included a detailed risk analysis and matrix.

Table 2: Risk matrix¹⁷

#	Description of risks	Risk likelihood	Risk impact	Risk mitigation measures
1	Political interference	Moderate	Substantial	<ul style="list-style-type: none"> Strengthen institutional independence Strengthen institutional establishment laws and policies Strengthen JLOS management structures
2	RoL constrained by human rights violations/brutalities security forces	Moderate	Substantial	<ul style="list-style-type: none"> Strengthen HRBA, implement the NAP Human rights Community awareness on human rights
3	Lack of internal accountability	Moderate	Substantial	<ul style="list-style-type: none"> Strengthen JLOS management structures
4	Independence judiciary under threat	Moderate	Substantial	<ul style="list-style-type: none"> Lobby for enactment of judiciary administration bill Strengthen institutional establishment laws and policies Strengthen JLOS management structures Funding of judiciary
5	Strikes	Low	Moderate	<ul style="list-style-type: none"> Strengthen community policing, stakeholder engagement etc.

As demonstrated in this risk matrix, one of the major mitigation measures for almost all identified risks was to strengthen the JLOS management structure. However, the JLOS secretariat still appears to be under resourced to be dealing with the enormous challenge of coordination of all 18 institutions that fall under its umbrella, as demonstrated in the next section on efficiency. For the lack of internal accountability, a fiduciary risk assessment was conducted. Also, the EKN KAM, together with other development

¹⁷ EKN KAM (2017) Appraisal Document JLOS SDP-VI Public BEMO, p, 17

partners, were invited and participated in the joint planning and monitoring visits with JLOS secretariat which is considered to also partly mitigate this risk. More on fiduciary risks in paragraph 2.3.4.

Regarding the risk of political interference and the Rule of Law constrained by human rights violations/brutalities security forces, these risks have materialised during the project's lifetime. Support to the JLOS became a matter of debate in January 2021 in the Netherlands in the aftermath of the elections in Uganda. Images were shared in the media in which police cars that were donated by the EKN KAM under the Refugee Law Project (not the JLOS project) were tied to the arrest of opposition leader Patrick Oboi Amuriat in Gulu in November 2020 in the run up to elections that were marred by deadly violence against demonstrators. The Dutch Parliament and media have subsequently raised concerns about the support given to these institutions.¹⁸ Prior to this, the EKN KAM decided in the summer of 2020 to move to semi-annual payments to JLOS, rather than annual payments, out of concerns about potential violence surrounding the elections¹⁹, to enable a quicker response of holding payments if incidents would occur. Also, the last year of payment has provisionally been halted.

The risk of political interference may have been partially mitigated by the GoU enacting a law that grants the judiciary independence from the Ministry of Justice and Constitutional Affairs. The Administration of Justice Act contributes to strengthening the Judiciary. The institution now has more space to make and implement its institutional plans without the competing priorities of the Justice Ministry.

However, based on the previous experiences, reports such as the assessment by the EKN KAM in their annual report for 2022²⁰, and on many interviews with key stakeholders on the likeliness of this risk in the future, the evaluation assessed that the political risks were and continue to be realistic risks, especially manifesting themselves in politically charged periods such as elections. Given the events in 2011 and 2016 election period, the previously identified mitigation measures, to strengthen Human Rights Based Approach (HRBA) and implement National Action Plans (NAP) on human rights, and community awareness on human rights) may not fully mitigate these risks in the future.

2.1.4 Relevance to stakeholders and beneficiaries

Support to the whole justice chain is relevant and considered essential to achieve systemic change in the justice sector. The largest focus in the project on reducing case backlog is connected with the work of various JLOS institutions and therefore is relevant to systemic changes that relate to the whole justice chain. The thematic prioritisation through specific result areas (SGBV, commercial justice, etc) could actually counter this. In interviews with JLOS institutions, respondents also highlighted that normally they would work on the basis of first case in, first case out. Prioritisation by development partners, for instance on

¹⁸ Kamervragen Kuik over met Nederlands geld gefinancierde pick-up trucks in Oeganda (4 maart 2021), met antwoorden van Minister Kaag (7 april 2021).

¹⁹ Ibid.

²⁰ EKN KAM (2022) Kampala Year Plan 2022, p.1

juvenile cases, means that this alters their way of working. As long as the prioritisation is justifiable, JLOS stakeholders seem to agree to do so. However, our survey responses to a question on weaknesses of the project (see section 2.3.1) demonstrates some resistance towards earmarked support which would restrict addressing emerging issues.

In focus group discussions with refugees in Kiryandongo beneficiaries confirmed the moderate relevance to access legal representation through the availability of legal aid services which enabled their cases to be prosecuted more efficiently, and the sense of security through the community policing within the settlements. There was also an indication of increase in trust in the judicial process where the refugees were able to receive legal representation and benefit from translation services in the court room.

The project was considered especially relevant in the period towards the 2016 and 2021 elections. In the project proposal, human rights abuses were said to have been on the rise since 2017, and were felt to likely increase in light of elections in 2021. This has since materialised. Interviews highlighted this pressure numerous times as ongoing and likely to further increase towards the next elections. While this has obviously resulted in challenging political risks on the side of the Dutch Embassy and MFA, it is simultaneously another indication of the relevance of a project that seeks to address issues of impunity and human rights, through strengthening the system that needs to ensure and protect those.

In summary, the project is relevant to JLOS stakeholders for its support towards systemic change in the justice sector, even though prioritisation sometimes is considered to counter that. The project is also considered moderately relevant for beneficiaries to increase their access to legal representation and understand court processes.

2.2 Efficiency

2.2.1 Planning of the interventions in the JLOS-sector and lessons learned

The planning of the interventions was derived from sector priorities, evaluations of previous plans, annual sector reports, national priorities detailed in national development plans and development partner support interests. These resulted in the identification of specific themes such as: promoting the rule of law through enhancing JLOS infrastructure and access to JLOS services; promoting the observance of human rights and fighting corruption and strengthening commercial justice and the environment for competitiveness.

Planning of the interventions has been realistic during the course of the project. Once a workplan is agreed upon by JLOS institutions, the financial implications are stipulated and the funding is earmarked for specific outcomes and strategic interventions. Survey responses also confirm that respondents overwhelmingly deemed the planning of interventions being realistic/well thought out. Most respondents explained that the interventions were aligned with the priorities identified and set out by institutions themselves. Others highlighted that planning took place in direct consultation and in a

participatory manner, between the Dutch and GoU and corresponding JLOS institutions which improved which improved the relevance and realism of the planning. A small share of respondents pointed out that the project and interventions were focused on solving the most pressing problems in the Ugandan JLOS sector, that the project took account of global trends in the dispensation of justice and, lastly, that it was realistic as goals were achieved.

The planning of project interventions has been adaptive. In some instances, plans and interventions were affected by external factors e.g. delays in enactment of the Transitional Justice policy which is determined by the executive arm of government, delays in prosecuting cases before the International Crimes Division, inadequate staff to prosecute cases in the Magistrates' courts. The Office of the DPP has indicated that currently there are 75 courts without a prosecutor and 101 without a permanent prosecutor. Covid-19 has affected the project, and delivery of justice profoundly, but in parallel also positively influenced the digitisation that the project had piloted.

A majority of survey respondents, over 90%, also corroborated that the planning of the interventions were adaptive to changes in the sector. Several respondents explained that they perceived the planning of the project as adaptive since it was aligned with the sector strategic plans and annual workplans which reflect needs and priorities of JLOS institutions and, thus, was adapted year by year. Others, in their elaboration, referred to the onset of Covid-19 that created specific needs in the project or, as described by one respondent, created 'space' for interventions to be adaptive to changing circumstances. Further elaboration of covid-19 related changes was the plans to convene some of the preliminary Magistrates' court hearings to prison facilities.

2.2.2 Adequacy of resourcing

The adequacy of the resources is analysed from two perspectives. On one hand, the resources agreed with EKN KAM for the earmarked support and on the other hand, the resources required by the JLOS institutions to implement the sector plan in SIP III²¹ and SDP IV. The engagement and agreement on budget between the JLOS secretariat and the Embassy on areas of support is documented and agreed upon prior to support being disbursed. The total amount of support for 2017-2021 was increased from 10 million EUR to 17 million EUR in 2019 due to a case made by the JLOS evidencing the need for further support. These additional needs were caused by "a higher number of cases brought forth to courts, an increase in the number of districts since the start of its strategy, a continuous influx of refugees, a higher prevalence of SGBV cases and a perceived deterioration of human rights in relation to the upcoming elections in 2021. At the same time, some donors are scaling down their support for the Sector (UNICEF), while others are joining later than anticipated by the JLOS Secretariat (EU, Sweden through IDLO)".²²

This Dutch contribution being complimentary to the government budget constituted approximately 15% of the budget required for all the sector result areas. The JLOS

²¹ Which EKN KAM supported through the SWAp basket fund since 2015 through earmarked support.

²² JLOS (2019) Proposal for increased Netherlands support for SDPIV (2019-2021), p. 3

secretariat appreciates the Dutch contribution for its provision of resources to continue activities even if there were delays in GoU's quarterly remittances. Where concerns with regard to accountability and human rights violations arose, support was withheld until satisfactory investigations had been concluded, or changed towards biannual instalment rather than annual.

48% of survey respondents indicated that JLOS interventions were not adequately resourced to enable desired results versus 40% that indicated the budget was adequate and 8% indicating not knowing. Respondents from the Judiciary (Court of Appeal, High Court, Magistrate court, Justice centres) and the Ministry of Local Government (Local Council Courts) all indicated that resourcing in terms of budget was inadequate. Additionally, half of the respondents indicating that budget was inadequate for work in the result area of reduction of case backlog.²³ This latter appears consistent with the fact that reduction of case backlog affects the entire justice chain and can be seen as indicative of the breadth of needs in that area.

Several respondents explained funding was inadequate due to needs being larger than available resources, too many institutions being included in the project, fluctuations in funding, unfulfilled budget commitments, budget cuts and rising in prices. This demonstrates that the justice need is still too wide that more resources and strategy on where best to place these resources would be needed to achieve more from the project.

With regards to resourcing in terms of policy staff, 60% of survey respondents indicated that the JLOS-interventions were adequately resourced to enable desired results versus 32% indicating they were not and 8% indicating not knowing. Some respondents indicating interventions were not adequately resourced underlined that there was a lack of staff to fully undertake planned activities while others explained the lack of staff resulted from the breadth of the project at national level requiring a lot of engagement, delays in the recruitment of key personnel and restrictions on recruitment imposed by the Ministry of Public service.

We conclude that the project was adequately resourced in terms of budget for particular earmarked activities. However, given that part of the government funding did not materialise, the resources were not adequate for the entire sector result areas.

2.2.3 Dutch support to the JLOS sector - comparison with other modalities in terms of value for money

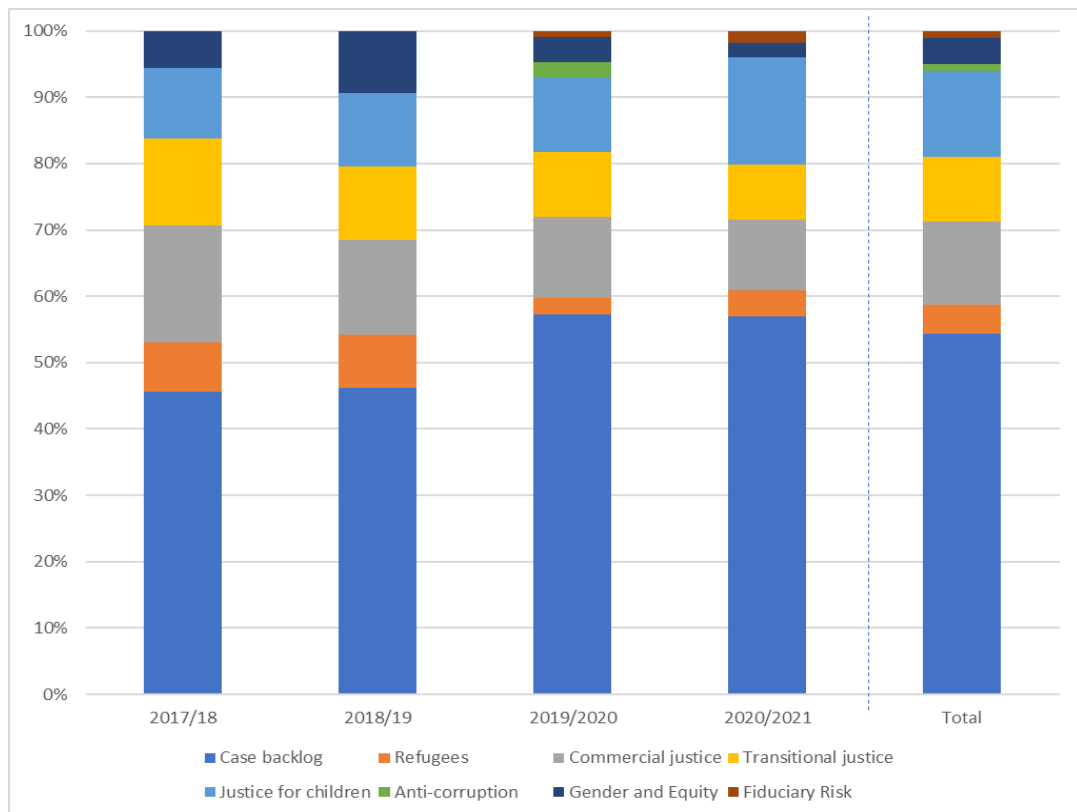
The desk review demonstrated that the earmarked funding modality adopted by the Embassy had been utilised to fund activities across the key areas of interest. The justice chain paid attention to addressing all bottlenecks within the case management process for both criminal and civil cases. As a result, and demonstrated in the figure below, the largest portion of the funding (around 50% of total budget) was consistently spent each year on addressing case backlog within the key institutions that impact litigation. These

²³ Due to the small numbers of respondents in each of the categories, these patterns might not be representative for others active with these institutions.

include the judiciary, DPP, Uganda Police Force, Uganda Prisons Service, Government Analytical Lab.

As demonstrated in the next paragraphs on effectiveness and impact, the project has achieved mixed results, but was severely influenced by Covid-19. This makes it challenging to do a proper assessment of value for money, for instance on the result area of case backlog reduction. Also, while an assessment could be made of the cost for each resolve case, based on the numbers, the assessment would be flawed since some interview respondents stated that many criminal cases have been resolved through plea bargaining. This resonates with the JLOS Annual Report 2020/21 that reported on total number of cases resolved. “The ODPP prosecuted 1694 criminal cases in 76 High Court criminal sessions while 5238 cases were concluded through plea bargain, including 1903 cases in the High Court and 3335 cases in the Magistrates courts.” Anti-corruption and fiduciary risk expenditures are also made visible in figure 6, but are not relevant for an assessment of value for money. What perhaps has seen least value in the other result areas, is that of transitional justice. While a portion of 10% of the yearly budget was spent on the area of transitional justice, the results achieved have been realised much slower due to both internal and external factors, as the next paragraphs will show.

Figure 6: Expenditure per thematic/results area



There are several other modalities of support to access to justice in Uganda that can be distinguished. The modalities include:

- Budget support (non-earmarked funding) to JLOS;
- **Earmarked funding (Project model);**
- Support through NGOs and implementing partners;
- Support through a basket fund such as the Democratic Governance Facility (DGF);
- Support to specific government institutions and to specific activities.²⁴

The evaluation team was not able to compare the value for money of Dutch support to other modalities of support to the sector given that this (detailed budget) information was not available in a uniform format to enable comparison.

2.3 Effectiveness

2.3.1 Key Strengths and Weaknesses

The desk review, interviews and survey responses indicate the following strengths. The support has strengthened infrastructure development within JLOS institutions. The establishment of infrastructure facilitates access to justice by deconcentrating justice institutions and improving the health and safety conditions of users. Interview respondents pointed to the child friendly spaces included in court buildings and furnished with toys, remand homes which divert children from other detention facilities, construction of prison facilities which facilitate decongestion of prisons and provision of water borne sanitary facilities in police cells which have improved the conditions of those in detention.

The support has enabled JLOS to leverage the relationship for more budget support from the government. Following the agreement with the Netherlands for earmarked support, one conditionality included in the arrangement was that government would ensure that this support was matched. This has given the JLOS leverage in demanding a realistic share of the national budget, although this has not always been successful. The project has enabled the Netherlands to influence justice institutions priorities where the assistance comes in to support areas which would otherwise have been left behind due to short falls in government funding.

Other mentioned strengths of the project were the deliberate and consistent coordination between the JLOS institutions, which was considered to produce efficiency. The regular/annual performance reviews were held consistently, providing space for feedback and opportunity for adaptation- when required. Finally, as it was built on existing structures and/or planning mechanisms within institutions, the project provided a basis for sustainability.

²⁴ See paragraph 2.3.3 for an elaborate overview of the different modalities and their pros and cons.

Over half of survey respondents including civil society representatives, mentioned the approach and implementation as key strengths of the project. Most of these respondents name the improved capacities of involved stakeholders through technical assistance and the provision of support for the development of practices or working methods. For example, several respondents mention the setting up or improvement of effective, evidence based, monitoring systems and progress in monitoring while others, more specifically, mention the setting up of the SIMPO collateral system, the automation of business workflow system and the development of an online operations system. Another share of survey respondents highlights the collaborative nature of the project in allowing the participatory planning and implementation of workplans, and the synergy between partners. Similarly, several respondents describe the project as being context sensitive and tailored towards the needs of beneficiaries.

The strengths of the project are attributed to various factors. Survey respondents mentioned the provision of technical support and capacity building and the timely implementation of activities. Also, regular and consistent provision (a firm commitment) of funds/financing were mentioned. Concerning collaboration and involvement, respondents named teamwork, stakeholder coordination, joint planning and monitoring, structured dialogue between the Ugandan government and embassy staff and involvement of all stakeholders in the value chain.

Key Weaknesses:

The main challenge affecting the project is in relation to funding from budget support. While in the majority of instances the EKN KAM has provided the agreed upon support, the GoU has not provided the full budget support to facilitate full implementation of JLOS institution activities in good time. Some of the challenges reported by interviewed respondents from JLOS institutions, included inadequate financial resources to provide for the entire criminal investigation chain which can contribute to delay in completing investigations, and insufficient funding to manage the upgrading of the business registries which stalled the progress towards efficiently integrating the system. The project, being a contributor to a larger budget is affected by the shortfall in budget releases to the entire sector.

Half of the survey respondents also mentioned funding as a major weakness. Primarily that rigidity in funding or earmarking of funding towards specific topics/interventions does not allow for the addressing of emerging issues and restricts short term adaptation to priorities across the justice chain. Secondly, respondents name delayed, late or uncertainty of funding or release of funds and inadequate funding for effective use in large bureaucratic institutions. The second most commonly named weaknesses, named by just under half of respondents, concerns capacity building for stakeholders being inadequate, a lack of knowledge transfer from the Netherlands to Uganda, the project being unable to effectively implement its activities due to bureaucracy. The final set of weaknesses named by respondents concerned the limited scope with the project not covering all areas of the justice chain respondents work in, or on, or interventions not being tailored to specific needs due to funding being uncertain. The weaknesses of the

project are attributed to various factors. Survey respondents related weaknesses to Covid-19, suspension of support towards the end phase of the project and the lack of experience of the Dutch funders in cluster budgeting of key activities. In the context of commercial justice for refugees, it is explained that some items were fragmented due to lack of budget.

Interestingly, key weaknesses identified by civil society respondents are of a different tone. These respondents highlight that there is a lack of awareness on what support has been provided to the GoU, that support is not used to demand more accountability and transparency within JLOS institutions, and that this support does not provide benefits outside of the capital city.

In summary, the main strengths were the funding being used to leverage GoU support, the collaborative approach and infrastructure development. Weaknesses mentioned by JLOS representatives mostly revolved around insufficient funding, which the evaluation team does not always see as weakness of the project itself, but rather indication of the breadth of needs. Civil society actors raise corruption, and accountability and transparency which EKN KAM could demand from JLOS and GoU as lacking.

2.3.2 Intended Results and Intermediate outcomes

The M&E system of JLOS allows for joint monitoring and participation of development partners, but has much room for improvement in terms of quality of analysis and reporting. The indicators for the project are set in consultation with the EKN and other development partners, and the JLOS secretariat carries out independent evaluations of the project. There are three M&E officers at JLOS secretariat, to cover the entire sector, not just this project. Each JLOS institution has included an officer responsible for M&E to take care of this role. Sector monitoring and evaluation capacity has not improved uniformly across the JLOS institutions. This means that some institutions provide better analysis of their data than others. Decision making and planning with analysed data is slowed down by the variance in technical capacities. There are semi-annual reviews of half a day to discuss the report with all institutions and development partners present. They can ask clarification on certain issues. The final annual report is developed following a technical session with technical officers of the institutions. This is followed by a formal annual review, where official responses from the development partners are shared. Finally, joint monitoring visits are made together with development partners to look at progress of specific results.

The evaluation team has noted some discrepancy in the various performance reports, end of project reports, workplans and other documentation in which output, outcome, impact and performance indicators are presented.²⁵ In this section we highlight the intended results of the Dutch support, as they have been formulated and monitored by the JLOS

²⁵ We present here some different numbers mentioned for targets and results on reduction of case backlog, for example with 18.2% being mentioned as result in project report for 2019/2020, and 17.3% mentioned in the trend table of the final report on project results for 2019/2020 (p.2). Regarding targets, the final project report and other annual report mention 9% as target for reduction of case backlog, while the project report for 2020/2021 mentions 44% as target noting that the final result of 32.1% in that case is actually a positive result, exceeding the target by 11%, while in reality, the target was not met by a difference of 23% (reaching 32% instead of the target of 9%).

secretariat for SDP-IV, and were reconstructed by the evaluation team based on the different documents that presented baselines, targets and results.

SIP III (2012/13-2016/17)²⁶ aimed to achieve three outcomes, and we noted some reported progress and challenges as especially relevant for the outcomes later pursued through SDP-IV:

- a) Strengthen the legal, policy and regulatory frameworks for JLOS operations and national development: There were efforts to develop required legislation e.g. under URSB, TJ Policy & legislation. The challenge remained to ensure enactment in good time, and having the structures and resources to aid implementation.
- b) Enhance access to JLOS services, particularly for the vulnerable: Results led to existence of a gender policy, specific targeting of victims with the TJ processes, and services for visually impaired by URSB. Provided audio visual equipment also said to help vulnerable groups, especially children. There was some progress here, however a need was noted to change the perception that JLOS services were expensive.
- c) Realise deeper observance of human rights and promotion of accountability: Support to UHRC mandate included monitoring, reporting and training rule of law institutions, and led to the existence of human rights units in key sector institutions. The challenge was ensuring that structures work and can aid human rights accountability e.g. examples of officials involved in human rights violations actually held accountable.

SDP IV was built on the SIP III. The following (EKN supported) outcome indicators from the results framework of SDP-IV were monitored²⁷:

STRATEGIC OUTCOME 1: INFRASTRUCTURE AND ACCESS TO JLOS SERVICES ENHANCED

Outcome Indicators

1. % of backlog cases in the system
2. % of districts with frontline JLOS services
3. Crime rate for 100.000

STRATEGIC OUTCOME 3: COMMERCIAL JUSTICE AND THE ENVIRONMENT FOR COMPETITIVENESS STRENGTHENED

Outcome Indicators

1. Ease of doing business index (DTF)
2. Efficiency of the legal framework in settling disputes (index)

²⁶ This evaluation had the Dutch earmarked support to this plan since 2015 under its scope.

²⁷ BEMO JLOS Annex Workplan SDP-IV Results Framework

Table 3: Performance on outcome indicators²⁸

Outcome Indicators	Target	Baseline 2016	Actual	Trend -/+
Percentage of backlog cases in the court system	9%	24%	32.10%	--
Number of districts with all frontline JLOS service points opened	80%	59.3%	74.3%	+
Crime rate for 100,000	287	298	502	--
Ease of doing business index (DTF)	63	57.7	71.4	++
Efficiency of the legal framework in settling disputes	4.1	3.8	3.84	-

Table 3 shows that the overall trend of performance against target is mixed at best, which many of the intended outcomes not achieved. The end of project report by JLOS highlights the impact of Covid-19 on some of the results. With respect to the case backlog it is stated that “Case management continued to improve following adoption of the case backlog strategy and as a result there was a reduction in case backlog from a baseline of 24% in 2016 to 18.2% in 2019/20 but increased to 32.1% in 2021 because of country wide lock down for long periods in 2020 and 2021 due to the Covid-19 pandemic”.²⁹ While the reported results do not show much positive results other than for ease of doing business and number of districts with all frontline JLOS service points opened, the key informant interviews points to underlying progress demonstrated in the following ways:

- Increase in JLOS infrastructure demonstrated by construction of more JLOS Centres to reduce the walking distances to justice institutions, additional prison facilities to reduce congestion in detention, improved sanitary facilities in police and prison facilities; hardware to improve detection of crimes.
- Access to JLOS services has improved across the JLOS institutions such as time taken to register births, application process for passports, business registry services, gender desks at police stations to deal with SGBV.
- Case management processes showed steady reduction in the percentage of backlog cases in the civil and criminal divisions (this refers to cases that have been in the system for over three years), before the Covid-19 pandemic. There has been a progressive improvement in handling of cases shortening the time that cases take to reach conclusion, reducing the number of days taken to conclude forensic investigations, reducing the number of detainees in prison facilities on remand, community policing, mobile courts for refugees and host communities, increased reliance on LC I and II courts for dispute resolution, among others.

²⁸ Sourced from the JLOS (2021) End of project report on EKN support 2017-2021, project reports for previous years, BEMO JLOS Annex Workplan and JLOS Annual Performance Report 2020/21. Since we did not receive an overview of all intermediate results, and it was difficult to reconstruct since sometimes different numbers or metrics (percentage versus total numbers) were used between the different project reports.

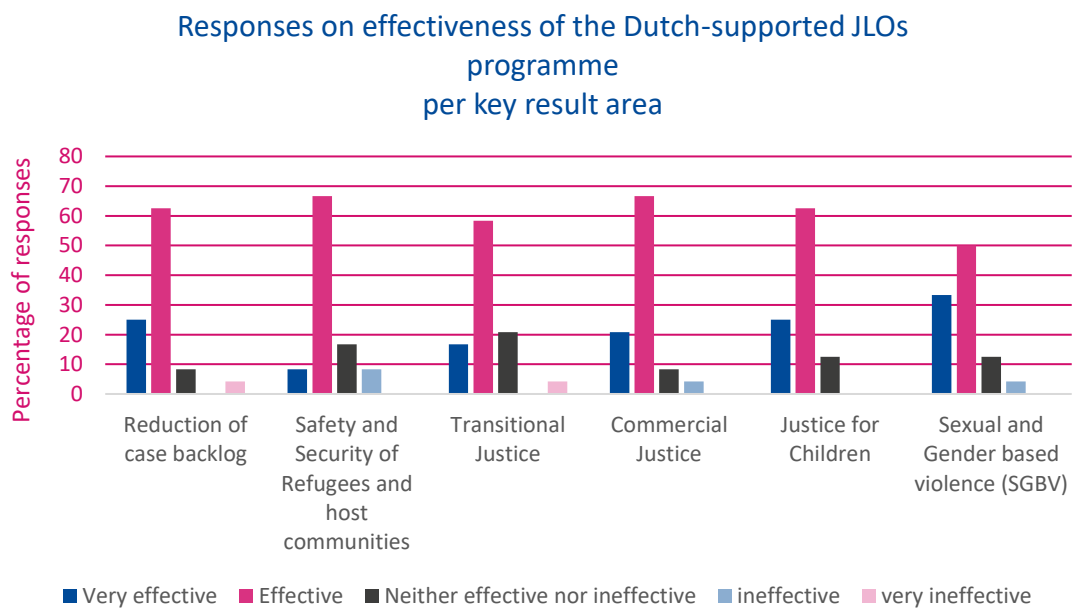
²⁹ JLOS (2021) End of project report on EKN support 2017-2021, p. 2

The JLOS secretariat also tracks the following impact indicators:³⁰

- Increased trust of the people in JLOS institutions
- Greater public satisfaction
- Increased independence of the judicial process, and
- ‘A’ status of human rights body³¹

Survey respondents are mostly positive about the effectiveness, but responses may be biased. Looking at the responses, visible in Figure 7, it becomes apparent that respondents feel that the project was least effective in the areas of safety and security for refugees, and transitional justice.

Figure 7: Distribution of responses with regards to effectiveness of the programme per result area.



Concerning the key results achieved through Dutch-support to the JLOS-sector, respondents provided answers describing improved efficiency of services, increased access to justice, improved capacities in delivery of justice and improvement of infrastructures.

With regards to improved efficiency of services the following examples were provided, namely, increased number of cases handled and concluded, reduced lead/turnover time, reduction of case backlog, stronger justice mechanism and enhanced focus on vulnerable persons. With regards to Child Justice, the implementation of child friendly processes, the diversion of children from criminal justice systems and strengthened processes were named. Concerning SGBV, fast-tracking of SGBV cases and improved forensic

³⁰ The numbers presented in reports indicate that there has been some progress towards reaching the desired impact over the period of support, although the public satisfaction with JLOS services has seen decline. Since this evaluation did not assess increased trust and satisfaction on the side of beneficiaries, and numbers presented in the report are not clearly elaborated or analysed, it is difficult to make a proper assessment of these achievements. As example, the source of the baseline and progress figure for increased trust was not analysed but only referenced to the LASPNET State of Access to Justice Report 2017, according to the Aide Memoire of the 23rd Annual Joint GOU-DP Review, p 11

³¹ JLOS 2020/21 Annual Report, page 19 and End of project report on EKN support 2017-2021, p.1

investigations for SGBV were mentioned. With regards to increased access to justice several examples were also provided, namely, the increased access to quick justice procedures, increased access in terms of coverage of districts, geographical reach or distance people need to travel for services and increased frequency of court hearings (daily) were named. Concerning capacities, the use of scientific evidence, increased coordination and cooperation, training of stakeholders at grassroots level and the conduction of business clinics throughout the country. One respondent from civil society referred specifically to the strengthening of the Police Department as being effective but also added that “community sensitisation has not been strong enough”. Concerning infrastructures, respondents named the supply of computers, an increase in automation, the construction and development of infrastructure such as regional offices and online communication systems, the improvement of efficiency in business registries and establishment of a Secured Immoveable Property Registry.

The evaluation shows that the outcomes pursued under SIP III and SDP IV improved in certain areas, but also saw major setbacks due to the two-year interruption to delivery of justice caused by the COVID-19 lockdown, inadequate sector funding, procurement processes and slow progress with rolling out the national internet backbone.

2.3.3 Collaboration with JLOS institutions in terms of planning, monitoring and implementation

Coordinated planning with JLOS institutions and the M&E framework has already been discussed in previous sections. The annual review meetings bring together all the JLOS institutions and enables open discussion on critical issues. Previously, the sector was chaired by the Chief Justice. Since the separation of the Judiciary from the JLOS, it is chaired by the Minister responsible for Justice. Communication between EKN and JLOS has been open and engaging. The Development Partner Group, which the EKN is a part of, is represented during these review engagements.

The advantage of working through this modality, as indicated in interviews with EKN KAM and JLOS institutions, is that the Embassy is able to leverage its interests on focus areas such as children’s justice needs and refugees, and it enables tracking the results of that chosen focus. There are however, other modalities of support possible, each with its advantages and likely implications, as shown in Table 4.

Table 4: Overview different modalities and their implications and advantages

Modality	Likely implications	Advantages
Budget support (non-earmarked funding)	No control over what funding is spent on/ which institutions benefit from support as it forms part of government funding to institutions	Provides greater influence with the Government of Uganda
Earmarked support to specific sector	Support to some institutions within the sector may be politically risky to the development partner	EKN KAM able to leverage support to areas of interest e.g. Justice for children, refugees, SGBV.
Support through implementing partner	Management costs incurred by an implementing partner makes cost of support burdensome	Support can cover both the demand and supply side of justice services Planned activities can be executed with minimal delays Politically safe
Support through basket fund, such as DGF	Activities are already designed, making it more difficult to engage directly on priority areas. Little visibility of the Dutch as donor.	Support can cover both the demand and supply side of justice services Limits duplication by development partners Politically safe for a development partner
Support to specific government institutions	Disproportionate support to some institutions which weakens the justice chain, political risk continues	Focus may make it easier to track progress of project activities.
Support to specific activities	Disproportionate support can stimulate spending on less prioritised areas for the justice sector, Political risk depending on activities selected	Focus may make it easier to track progress of project activities.

There are advantages and negative implications from each modality of support. Key informants indicated that their perception was that direct budget support gave the most leverage to a development partner. However, it was not possible to control what money is spent on. Respondents also noted that to achieve specific outcomes within a specific sector, a strategy that supported only that sector was viewed as most beneficial. In addition, some respondents indicated that because justice issues are closely connected to political interests, it would be difficult to pursue any meaningful engagement with the GoU without interest in rule of law and institutions responsible for guaranteeing rule of law. For example, a focus on supporting trade and business would not yield much transformation for the economy where the rule of law remained weak.

Support to basket funds such as DGF and through implementing partners has the major advantage that it avoids the political risks currently associated with support to JLOS. However, it will likely increase management costs, there is less influence and visibly possible as a donor, and potentially makes the bilateral relations less strong.

With regard to an option of bilateral support to one or more selected JLOS institutions, the key informants pointed to a likelihood of minimal progress with strategic outcomes. One example provided was that support to the judiciary would yield limited benefits to

access to justice without support to the chain of justice institution (in relation to the ODPP, the appointment of judicial officers, and increased number of magisterial areas remained underserved as long as the support to the Judiciary was not matched with support to the ODPP).

2.3.4 Fraud Risk and fiduciary risk assessment

Fraud and corruption have been qualified as high risk for the Embassy.³² The documents and interviews indicate that EKN KAM has approached fraud risk and fiduciary risk by understanding the national environment, adopting measures to mitigate the risk to proper use of funds and monitoring. The EKN KAM has taken measures in assessing annual plans and budget intensively. The annual plan and budget are assessed on both the substantive aspects and the financial aspects. The financial assessments interrogate a range of areas including the state of budget depletion; any sharp increases in expenditure or areas of overspending or under spending. Support releases are directly linked to annual plans and activities. Any changes to spending are discussed and signed off by the EKN KAM.

JLOS institutions are required to report on activities and performance on budget on a quarterly basis. At the end of each financial year, these institutions are subjected to internal audits annually as required by the national legislation relating to Public Finance Management. This is followed by an external audit by the Office of the Auditor General (OAG), an independent and constitutionally mandated office as auditor of government. The OAG is an independent office which does not have an interest in project implementation. The Embassy routinely withholds up to 10% of the support amount subject to completion of the external audit and a positive outcome.³³ This portion of the funds is released once the external audit is concluded with a positive outcome. This provides evidence of a system to monitor the use of funds and the possibility to counter any misuse of resources. The assessment by EKN KAM of the audit of its contribution to the SWAp fund (2015-2017) was considered in line with international standards and approved, noting that the Auditor General was considered to have a strong enough reputation to provide reasonable assurance.³⁴ At the same time, an EKN representative indicates that the audit report alone is insufficient to trace the expenditure funded by EKN, and that accountability is a combination of an audit report reflecting the contribution by EKN, and the overall financial reporting on expenditure level.

In addition, monitoring and evaluation is intensified during the project through field checks to confirm progress and activities reported annually. Practically, some field visits did not happen during the last two years during the covid-19 lockdown.

³² 2018/19 Annual Plan & Budget Assessment.

³³ In FY 2019/20, the sector received an unqualified audit report from the Auditor General. JLOS Annual Report 2020-21, page 201.

³⁴ EKN KAM (2018) Assessment of audit opinion on activity 2016-2017, p.2

From the above findings, the evaluation shows that there are safeguards in place supported by a sound national legal framework to reduce overall risk. Additional safeguards are expected to emerge from increased automation of justice services.

2.3.5 Contribution of Dutch Support to overall strengthening of the programme

Due to the many external factors and the (budget) support received by other donors to similar outcomes, it makes it very difficult to distinguish the exact contribution of the Dutch support to achieving specific results. To partly overcome this challenge, the contribution cases were selected on the basis of the specific outputs, outcomes and result areas that are part of the workplan between the EKN KAM and JLOS, rather than the more general JLOS M&E reporting towards all its donors. The contribution cases presented here further shed light on the external factors that influence certain changes and outcomes, as well as the relative significance of the Dutch contribution to a particular change.

Following the desk review, and in consultation with the JLOS secretariat and EKN KAM the evaluation team selected five cases of observed changes/outcomes with which to analyse the contribution of the Dutch support during data collection. We highlight the results of these five contribution cases here, in summary, while the fully elaborated cases can be found in annex 2 of this report.

Case 1: “How significant has the audio-visual conferencing technology rolled out in the Buganda road magistrate court in Kampala been in realising decreased case backlog?”

JLOS supported a pilot project to implement the audio-visual conferencing technology as a means to unlogging the court processes and decrease case backlog. Primary factors by the project that contributed to the observed outcomes, were most notably the audio-visual resources that increased the ability of courts to handle cases in which witnesses were unable to be physically present in court i.e. bridging the gap between witnesses and the courts. Having said this, it is important to note that only 1 out of 4 court rooms received this audio-visual system. Rival external factors that contributed to the change were Covid-19 SoPs that restricted in person interaction for close to 2 years in Uganda. Finally, an external contradicting factor was the limited and unreliable internet connectivity which affected the ability of the judiciary, but also of witnesses and legal representatives to use the audio-visual equipment consistently and effectively. Weighing all these factors we consider *a moderate contribution* by the support to JLOS to the observed change.

Case 2: “How significant have the outreach programme, the trials, witness protection in district/area Gulu been in realising better access to transitional justice?”

JLOS supported outreach activities to create awareness; set up of spaces where trials were projected on big screens; and provided witness support, including relocation. This provided opportunity for community members and families to reconcile, after hearing first-hand accounts from different parties in the conflict. Whilst the JLOS initiatives were useful for communities and victims to watch the trial, its contribution to transitional justice has been of *low significance*, in light of many contradictory and contributing rival

(external) factors. In particular, delays in passing the TJ policy and providing clarification on what would constitute transitional justice.

Case 3: “How significant has the support to mobile courts in Masindi High Court circuit been in realising increased access to justice for refugees?”

The support for mobile courts was provided as one way of improving justice outcomes for refugees living in settlements. The resources provided capacity building to justice actors (prisons officers, judicial officers, police) working in communities with refugee settlements to resolve justice issues emerging from these settlements. Within the Masindi High Court circuit, the contribution of Dutch support to JLOS in increased access to justice was of low significance, especially in light of the rival contributing factor in the form of the external program Refugee Law Project which has contributed heavily to the outcome of strengthening the justice institutions’ response to refugees’ justice needs. In light of these rival factors, the significance of the Dutch support to JLOS’ *contribution to the observed outcome is considered low.*

Case 4: “How significant have the reform of and providing equipment to business registries in Kampala been in realising commercial justice?”

JLOS supported the URSB in order to strengthen commercial justice and improve the competitiveness of the economy. Next to support from GoU, JLOS is the major contributor to URSB, and is therefore critical to their work. Largely because the support was targeted at establishing and/or strengthening legal frameworks, systems and processes that not only address registration for businesses in general, but also specifically target small businesses, and vulnerable communities. In a sense, the support has provided proof of concept, the next phase of support should yield even more significant results. *The contribution to the change by support to JLOS is considered highly significant.*

Case 5: “How significant has provision of crime investigation kits (SOCO) in Kampala (and Masindi?) been in enhancing police capacity at forensic department of UPF, and hence in diminishing the case backlog?”

JLOS support aimed to facilitate scene of crime officers to process crime scenes more efficiently. As part of the chain of stakeholders who could facilitate reduction of case backlog, there is a link between case files investigated to conclusion and prosecution. The Uganda Police Force reports that it is investigating more cases to conclusion. One of the indicators used to measure crime prevention is the conviction rate. As at 2016/17 baseline conviction rate was 60.1%. The conviction rate in 2019/20 had improved to 62.6%, and below the 2021 target of 65%.³⁵ However, there is not yet a clear link between positive prosecution outcomes and the use of SOCO kits, which is only one of the tools of evidence-based investigations. There are quite some external rival factors that are contributing to this outcome, including additional government support for kits, but also to funding officers to ensure the forensic lab is considered a center of excellence. In view of all these factors the Dutch support to JLOS towards SOCO kits helping to reduce case backlog, although useful in enhancing the quality of evidence gathered and ultimately the quality of justice, it is still of *a low* significance in achieving the outcome.

³⁵ JLOS Annual Performance Report 2019/20, Page 78

In conclusion, the five cases show that the Dutch support contribution to the change have been mostly of low (3x), of moderate (1x) and of high (1x) significance. This does not necessarily point at unsuccessful interventions. While Dutch support is relatively large compared to other development partners, looking at the size of the interventions in light of the overall needs, and the additional support and programs that take place in parallel, and external factors, the Dutch support is not of essential or significant scale.

2.3.6 Risk of use of hardware

The risk of use of hardware had been recognised in the programme. The incident involving the donated police car related to hardware donated through the Refugee Law Project (RLP), which is a separate project, but also supported by the Netherlands. The respondents indicated that disbursement of funds is hinged to specific hardware purchases. For instance, the documents indicate hardware in the form of office computers, printers, office furniture, motor cycles, prisons buses, motor vehicles, microphones, audio-visual equipment, SOCO-kits, analytical lab kits. The risk appears to lay with misuse of these equipment for activities that are not related to extending justice services. Respondents indicated that there were measures in place to mitigate these risks such as the existing legal framework governing public service employees in the Public Service Standing Orders, Disciplinary Rules within the Uganda Police Force. Other measures included labelling of vehicles and other equipment, tracking devices and use of travel logs so that misuse could be easily tracked and individual officers held responsible, and monitoring through visits and emphasising purpose for which hardware had been supplied.

These measures have been adequate to deter public officers, operating in the normal course of work. The risk of misuse arose with motor vehicles outside the JLOS supervision. This may require further guidelines to ensure uniform application of rules for both JLOS procured hardware and other programme partners.

2.3.7 Effectiveness of Embassy's monitoring

The monitoring is founded on an agreed plan for a specific period of term. In this project, the arrangement indicated the purpose of earmarked support; key result areas and strategic activities prioritised. The arrangement set out the impact expected from the investment. To track the implementation, the embassy routinely participates in joint annual reviews of the JLOS institutions together with other development partners. Midterm reviews of the implementation of the development plans are carried out which provide opportunity to propose corrective measures for the remaining year of the project. Strong influence in steering and adjusting the agenda is reported in supporting the ease of business by supporting ways of work at border posts.

An issue that has been raised regarding monitoring, by EKN respondents, and corroborated by other development partners, is that requests for more elaborate analysis in the reporting is not yet met with satisfactory responses by the JLOS secretariat. Major issues are with the consistency of numbers and reporting, and a proper analysis of what

lack of progress in a specific area means for adjustments in the project. Quality of analysis and reporting has been flagged consistently, but has not shown an improvement.

2.4 Impact

2.4.1 Positive or negative, intended or unintended, higher-level effects of the intervention

In the section we present the intended changes on result areas and underlying indicators as formulated by the EKN KAM, and assess these against the higher-level results as observed in this evaluation.

Table 5: Positive changes per result area

Result area	Intended change ³⁶	Observed change	+/-
Reduction of case backlog	Reduction in case backlog from current 24% to 18% at end of 2017-2018 and reduce to single digit (9%) by 2020. Average time for disposal of cases in the court will reduce from the current 805 days to 394 days. A total of 21,000 cases that are 3 years and older are expected to be disposed of from the system. Level of computerisation of business processes in the Judiciary will increase from current 12% to 40%, while 4 new justice centers will be constructed every financial year.	Moderate change due to consistent institutional focus to coordinate efforts to reducing case backlog Backlog cases reduced in all courts for two of the five project years, although the gains were reversed due to covid-19 lockdown. Remand prisoners reduced below 50% prior to covid-19 but went back up again. Again attributed to the covid-19 lockdown. The total number of cases disposed of by the courts after lockdown is reported to have increased.	-
Commercial Justice	Reforming and updating laws that promote competitiveness and regional integration. Enhancing the efficiency of the business registries to provide a more user-friendly customer interface and provide the platform for automation and integration of systems. To address case management systems in land and commercial justice to promote small claims procedures and mediation that benefit small business holders, traders and women, and to enhance case disposal in land and commercial matters. Key outcome targets are: improved ease of doing business index from 57.7 to 63, improved efficiency of the legal framework in settling disputes index from 3.8 to 4.1, enactment of prioritised laws and improved clearance rate in commercial cases (71% to 98.7%), land cases (77.1% to 98%) and improved mediation success rate from 55% to 60%.	Moderate change towards strengthening information management systems to contribute to improved business processes. Significant change through establishing legal and regulatory framework to advance small businesses and foster innovation; expanded presence through structures at regional level for greater access; contribution to financial inclusion by developing and testing services for small businesses and/or people who have limited access to collateral for loan	+

³⁶ Expected results at outcome and output levels and performance indicators, as formulated in JLOS Annex 1 Arrangement 15-11-17 Dutch Support to JLOS SDP IV

Safety and security of refugees and host communities	Increase the number of refugees and host communities accessing JLOS services and contribute to the reduction in crime in refugee settlements and host communities. Output Indicators: # of refugee settlements and host communities with operational mobile courts, # of refugee settlements and host communities with operational police units, and # of refugee settlements and host communities accessing legal aid services.	Moderate change towards strengthening cooperation between JLOS institutions and CSOs to improve service delivery to refugee communities and host communities; refugee community empowerment	+/-
Transitional justice	Case disposal of 1000 land cases, prosecutions and prosecution-led investigations, adjudication of war crimes. The transitional justice legal framework to be put in place (e.g. amnesty law, witness protection law and studies on reparations). Outreach programs to provide feedback and receive input from communities. Implementation of recommendations of the Informal Justice Study. Study on justice needs of children born in conflict.	Minimal change – TJ policy approved at cabinet level; Community awareness and engagement in the trials; in some instances, victims felt a sense of justice after the guilty verdict. However, challenge is that general perception of justice or what people want is reparations- and that is not what the trial provided	-
Justice for children	Child friendly services enhanced. Capacity for duty bearers and institutions enhanced. Disposal of child related cases fast tracked at all levels of the justice chain. Rehabilitation and remand centers established at regional level.	Significant change towards child friendly services and fast-tracking disposal of child related cases to strengthen the delivery of justice for children.	+
Reducing SGBV³⁷	A common framework for gender mainstreaming in the sector. Capacity of sector institutions to mainstream gender enhanced. Collection, analysis and reporting on gender disaggregated data strengthened.	Moderate change towards fast tracking SGBV cases; ODPP procedural measures to prosecute SGBV cases; Improved forensic investigations.	+/-

In conclusion, among the six key result areas, the observed changes are moderate changes in two of the result areas, minimal change in two result area and significant change in two result area. The changes have been both positive and negative in four result areas. This show that the Dutch support has mostly made a mixed to moderate positive change in key areas of support provided.

Interview respondents indicated that a major contributing factor to the positive higher effects included the strengthened coordination and cooperation between JLOS institutions which has improved service delivery across the board. This has been demonstrated by the emphasis on aligning sector priorities to achieve collective goals within a chain. An example has been the case backlog reduction where outputs achieved were attributed to the strategy to support each institution in the chain to execute its mandate in order to resolve a targeted number of cases. Furthermore, digital solutions

³⁷ The last two strategic outputs, Justice for children and reducing SGBV have not been elaborated as result areas, in equal fashion to the other mentioned result areas, but have rather been included as strategic outputs in the results framework.

and infrastructure that were provided through the Dutch support, and spurred on by Covid-19 lockdown, actually increased access and coverage.

Another contributing factor has been the greater visibility of JLOS institutions among the public. Respondents indicated that there is increased participation on justice services offered on regional radio talk shows, social media and the internet. This visibility has increased demand for justice services and accountability by citizens and civil society. This demand for services is evidenced by increased reporting of criminal cases within communities and refugee settlements, filing civil disputes before the courts, filing of employment claims before the regional registries, use of business registries, registration of births among others. The accountability demanded of justice institutions roll-out has improved by the roll-out of JLOS SEMA project which enables citizens to give feedback on customer management in five JLOS institutions (Uganda Police, Judiciary, URSB, DCIC and NIRA). The willingness to use this app during the pilot phase has been positive, which has contributed to its being rolled out to 40 JLOS service points in four regions in the country.

Regarding some of the unintended and negative effects the evaluation noted the following. Corruption amongst some traditional leaders within the refugee settlements. JLOS and RLP offered training to community leaders in order to enhance their understanding of basic Ugandan law and the referral pathways for common justice needs. The aim was to create a reporting mechanism within the refugee settlement which would encourage victims to report their grievances and offer dispute resolution support for minor infringements. However, the FGD conducted in the Masindi High Court circuit region, noted that having received the training, some traditional leaders trained on basics of Uganda law and procedures are reported to have started to charge some fees for dispute resolution within refugee communities.

Furthermore, there is a perception of overreliance on plea bargaining. The JLOS has run several plea-bargaining sessions to facilitate conclusion of matters where the accused persons are willing to admit wrongdoing. However, there is concern among some respondents that progress realised in reducing case backlog may not be delivering justice where some of those in detention for over 2 years may consider it easier to plea bargain than insist on a fair hearing. A study on the impact of plea bargain to the justice system is yet to be concluded.

And finally, an unexpected effect of support to JLOS, is that this type of direct support to (government) institutions has become increasingly scrutinised. In response to the negative publicity it generated in the Netherlands the Dutch MFA warned against material support, and reviews this type of support with more care. A very recent Dutch media item (Zembla, 12 May 2022) on Embassy's support to the Justice sector in Rwanda again illustrated the intense scrutiny that this type of support receives. Overall, there seems to be dwindling support to the JLOS sector from other development partners, with mostly EU, Netherlands and Austria remaining committed to supporting this sector.³⁸

³⁸ UNICEF Uganda 2018 Report Political Economy Analysis pages 5-6 and JLOS Public Bemo 4000001011, page 16.

2.4.2 Influence of cooperation with the JLOS-sector on bilateral relations between Uganda and the Netherlands

The bilateral relations between Uganda and the Netherlands is characterised as good, from both perspectives. The Dutch support to JLOS is placed in a wide-ranging landscape of Dutch support. According to the MACS, “the Netherlands is seen as an important and reliable partner in Aid and Trade, agriculture and agribusiness, Rule of Law and SRHR. In addition to the interventions supported by the embassy, a multitude of NGOs, strategic partnerships and international organisations implement activities in Uganda which are (co)-financed by the Netherlands.”³⁹

A history of 20 years of Dutch support to the JLOS sector enables a good relationship and dialogue between the EKN KAM with JLOS and its 18 institutions. An embassy representative described it as follows “We get mileage, political leverage and the ability to knock at the door.” At the side of EKN KAM, there is a sense that they are viewed as critical partners at JLOS, and the underlying institutions, not just as a donor of a project. Development partners view this Dutch support as being especially impactful since it is made available in conjunction with other Dutch support to e.g. agriculture and business in Uganda. The JLOS project has also incorporated these thematic foci and interlinkages by prioritising cases that have to do with access to land, as well as the focus on commercial justice.

According to the JLOS Secretariat, the cooperation between EKN KAM and JLOS is very open and good, and has further facilitated EKN KAMs engagement with MoFPED because of the consistency of the Dutch support. The access to these high-level officials, including ministers, is confirmed by other development partners to be quite exceptional in other countries, yet relatively common in Uganda. The access, trust and dialogue on sensitive topics that this support has enabled, is expected to invariably change if the financial support to the sector is ended, as confirmed by all respondents.

2.4.3 Support leading to entry points to discuss JLOS-related matters (of concern)?

This continued and direct support has enabled the EKN KAM the opportunity to give technical guidance (e.g. on human rights) and have direct channels of communication both at lower level on smaller issues, but also with high-level officials on larger and more sensitive issues. The Dutch support to JLOS has led to many entry points to table and discuss issues and apply (subtle) diplomacy. Examples of issues of concern that have been tabled at various meetings and instances include:

- if there is a problem with Dutch individuals that get into problems with justice sector, lower-level JLOS representatives are asked for information,
- high profile court cases,
- discussions on LGBTI,
- support to demand side of justice, e.g. the DGF,
- human rights-based approaches,
- police violence discussed, and report asked by the JLOS secretariat.

³⁹ EKN KAM (2018) Multi Annual Country Strategy 2019 to 2022 Uganda, p. 9

A very illustrative example is when the current Dutch Ambassador attended a high-level lunch event in which a Minister and chief justice from Uganda also attended. At that event, the Dutch Ambassador called attention to the need for accountability from government. These comments went public and resulted in some backlash in local newspapers the next day, but the opportunity for giving critical feedback in an open dialogue, was used.

In the last annual review on the JLOS support, the EKN KAM provided critical feedback and called attention to the police violence on November 2020. The attending high-level officials pushed back by saying that police officers responsible for the violence had already been fired, and therefore the issues considered to be resolved. After further discussions and also after reporting by MFA, and upon request of EKN KAM and other development partners, the JLOS secretariat issued a report discussing police violence in more detail. This example illustrates that tabling issues and demanding accountability does not lead to immediate resolution and change. There is, however, the perception on the side of the Embassy (and other development partners) that there is space to table issues and they are being listened to.

On the side of JLOS institutions the perception is that the EU and US tend to apply much more outspoken diplomacy in comparison to the Dutch, and that this type of less subtle diplomacy runs the risk of being misinterpreted. Tabling issues might be more effective if done as a collaborative effort of a block of development partners. It is also said to depend on the type of statements made, as long as they are considered to be balanced. One JLOS representative said “You can coin good recommendations, as long as you can balance them between duties and rights, don’t put yourself in the frontline with the government. And use the existing legal regime to be heard.” Finally, targeting high-level officials on political issues might indeed reap less immediate results, whereas peer-to-peer exchange done on substantive matters, could have different and more visible outcomes.

Overall, the assessment shows that tabling issues is possible, and the support facilitates these channels. However, there is little to no direct evidence of results and impact of this diplomacy.

2.5 Sustainability

2.5.1 Probability of long-term outcomes and benefits of support to the JLOS sector

The intended long-term outcomes and benefits of support to the JLOS were twofold: infrastructure development and enhancing access to JLOS services; and improving the environment for commercial justice for competitiveness.

Infrastructure development and enhancing access to JLOS services was in the form of support to brick and mortar for JLOS institutions as well as institutional legal frameworks to unblock the civil, commercial and criminal justice system. At the brick-and-mortar level, there is capacity for sustained benefits. While hardware and infrastructure is likely to stay, maintenance and further rollout will slow down or be unlikely if funding ends (e.g.

construction of prisons, police posts in refugee settlements, safe spaces for children in courts and remand and rehabilitation centres).

The sustainability of outcomes and benefits of support is considered most likely at the levels of increased capacity building. The current increased knowledge and capacity (e.g. on SGBV and refugees rights at the Uganda Police Force; ODPP, Local Council Courts) will likely remain. Furthermore, as in all institutions staff turnover (or in the case of police, transfers to other less sensitised posts) hampers sustainability of the increased knowledge and capacity.

Support to the law reform process is likely to provide long term outcomes as the application and enforcement of legislation grows. For instance, as a moveable securities market grows; small claims court procedures; strengthening land rights through transitional justice; and strengthening the mechanisms for informal justice (given the HiIL – Uganda Justice Needs survey which showed that the majority of Ugandans resolve their justice needs through informal justice channels).

Embedding access to justice solutions in existing structures and focusing on the whole sector and justice chain have been very beneficial to sustainability (e.g. support to chain of civil case backlog and criminal case backlog, GBV desks at police stations). It is likely that these approaches will continue to be useful to enabling sustainability.

Some aspects of the project are likely to suffer if funding is stopped. Respondents have indicated the following areas which are likely to be affected: Special court sessions targeting cases involving children are unlikely to continue if support stops. In addition the capacity to facilitate mobile court sessions, is not likely to continue without further support.

Case backlog is likely to increase (given the rise in backlog during covid lockdown, if the prosecutors and case management system being rolled out is not effectively concluded). This is evidenced by the rate at which the gains made prior to 2020 were quickly lost demonstrating that the strategy was not yet resilient. Sessions held on a rolling basis may be more sustainable in the future.

2.5.2 Linking rights holders to longer-term programmes

Under the project, the rights holders included the court users, prisoners on trial, refugees, communities hosting refugees, survivors of the protracted Northern Uganda war, women and children engaged with the justice system, business using the business registries, citizens engaging with NIRA. Some examples of sustainably linking rights-holders to long-term programmes and justice institutions:

- Bringing justice closer to the community is part of a longer-term strategy to transform the JLOS institutions into people-centred institutions, in terms of services offered and reach. The one stop point through JLOS centres has enabled progress to be made in this direction and will likely be sustained in the long term.

- Bringing the industrial court which was previously based only in Kampala to the regional High Courts has made it more accessible given that the majority of complaints are initiated by aggrieved employees.
- Paralegals in refugee and host communities are usually refugees themselves. It is likely that they will remain supportive of reporting justice issues, which increases the opportunities for dispute resolution and reduces conflict within the refugee and host communities.
- Knowledge sessions with prisoners are likely to enable them to build their capacity to represent themselves at a minimum and meaningfully take part in trials and plea-bargaining sessions.
- Enhancing the online services offered by JLOS institutions such as the business registry offers opportunity for formalising the business sector.
- Linking children who are in contact or conflict with the law with the UNICEF Justice for Children programme.

Survey respondents shared a number of internal factors for success of linking rights holders to the longer-term programmes. One of the most cited internal factors concerns the involvement, direct engagement and consultative processes maintained in the programme. Several respondents also mentioned the involvement of a strong JLOS secretariat and its 'vibrant management team', closer collaboration, information sharing and an improved communication strategy, teamwork and support to CSOs as internal factors conducive to linking rights holders to the longer-term programmes. Several respondents also mentioned support to physical, such as the building of courts, nonphysical, such as improved service platforms, and human infrastructure, such as police, as an internal factor aiding in linking rights holders to the longer-term programmes. Training and education of rights-holders and stakeholders were also cited multiples times

With regards to external factors many survey respondents referred to collaboration, coordination and complementarity between a range of stakeholders such as CSOs and government institutions focused on justice and rule of law. Civil society respondents made reference to CSOs being able to inform/provide simplified information to citizens while also being able to sensitise citizens which contributes to increased legal aid services. With regards to government, overall cooperation between government and the donor community is mentioned as a conducive external factor. The political will of the Dutch government and 'limited', 'little' or 'none' interference of the Dutch government were also often mentioned as factors contributing to linking rights holders to longer-term programmes.

2.6 Coherence

2.6.1 Coherence with the annual plans and multi-annual plans of the Embassy

As also noted under the relevance section of this report, the Dutch support to JLOS is very relevant and coherent with the priority areas and intended outcomes in Uganda as formulated in the EKN KAMs MACS for 2019-2022. JLOS support is most evidently aligned to EKNs KAM result areas for Peace, Security, Stability and Migration, and the underlying

outcome “Ugandan citizens are better able to access their rights through fair, efficient, impartial, independent and accountable governance institutions”.⁴⁰

Regarding the coherence with annual plans, the EKN KAM’s annual plan of 2019 highlighted that at the time of publication, the progress towards decreasing the case backlog and access to justice was exceeding expectations. This of course preceded the devastating effects of Covid-19 on both areas. The annual plan of 2021 noted the following: “Case backlog (despite additional efforts during COVID) due to low staffing numbers and increased prisoner population, remain below expectation”.⁴¹

Simultaneously the annual plan of 2019 notes that in terms of civic space, human rights and fight against corruption, there is still little progress noted in the domain of Rule of Law. In 2022, the annual plan sees further signs of shrinking of civic and political space, with the (events following upon) elections and the COVID-lockdown all having had negative effects in the sector. Alarming, it also notes that messaging from GoU suggests a further limiting of civic space in the years to come.⁴²

The 2019 plan furthermore highlights that the two-track approach of supporting both JLOS and DGF is ongoing, and that the EKN KAM planned to strengthen the partnership between the State and non-State Rule of Law partners.⁴³ This last point, while coherent with EKN KAMs strategy, and the underlying assumption of supporting both demand and supply side, has since taken a serious setback due to the suspension of DGF. In the annual plan of 2022, the effects of the suspension of DGF on the coherence of its portfolio (and susceptibility to risks) becomes apparent: “The lean RoL portfolio, although balanced (JLOS, DGF), also provides larger risks when political circumstances suspend it from Ugandan side (DGF) or from Dutch side (JLOS). A slight increase in projects and a reconsideration of current support will be necessary in 2022 to reduce the risk of low depletion of funds.”⁴⁴

2.6.2 Coherence with other actors in the JLOS sector and with national plans

The 18 JLOS institutions are broadly mandated to enhance the rule of law. The National Development Plan II (NDP II) recognised that the rule of law regulates economic activity and provides a conducive environment for doing business.⁴⁵ The JLOS institutions’ mandate is coherent with the national plan- under NDP II (2015/16-2019/20) which was the core reference point for all GoU planning processes during the project implementation. The NDP II prioritised infrastructure development as one of the areas that would enable the transformation of Uganda’s economy.⁴⁶ In this context, support towards infrastructure within JLOS was aligned to the national priorities. The NDP II adopted several strategies to achieve its goals, one of which was the strengthening of governance mechanisms and structures.⁴⁷ The sector specific objectives were those set

⁴⁰ EKN KAM (2018) Multi Annual Country Strategy 2019 to 2022 Uganda, p. 12

⁴¹ EKN KAM (2021) Kampala Year Plan 2021, p.2

⁴² EKN KAM (2022) Kampala Year Plan 2022, p.1

⁴³ EKN KAM (2019) Kampala Year Plan 2019

⁴⁴ EKN KAM (2022) Kampala Year Plan 2022, p.2

⁴⁵ NDP II page 43.

⁴⁶ Government of Uganda, NDP II (2015/16-2019/20), page xvii.

⁴⁷ NDP II Page xxiii.

out in the SIP III.⁴⁸ This shows that the support is coherent with national plans and other JLOS institutions.

The Dutch support is very coherent with that of other development partners, most importantly the EU, specific UN agencies such as UNDP, and the Austrian Development Agency (ADA). A platform like the Development Partner Group and the JLOS secretariat also ensures this coordination and coherence between the various development partners supporting the sector. There are indications that most of the development partners are very engaged in the meetings where workplans and annual reviews are discussed, as well as active in joint monitoring visits. Regarding ADA, approaches are distinctively different, in that the Dutch have chosen to support very specific priority areas, while ADA gives budget support to promote access to justice by deliberately assisting the entire justice chain.

The sector plans and annual JLOS reports recognise that there are several stakeholders in JLOS. These include government, development partners, non-state actors such as civil society and academia. Furthermore, the project is aligned to the work of CSOs such as ASF (e.g. access to justice and human rights); RLP (support for refugees and host communities access to justice) and LASPNET. The JLOS implements its activities through several working groups where these stakeholders are invited to participate. For instance, through the umbrella organisation, LASPNET, civil society has provided a perception of corruption in JLOS institutions; HiIL has provided a survey into justice needs; ASF has reported on the state of human rights for persons in detention. Nonetheless, there remains some concern on the depth of coordination between JLOS and CSOs. Many NGOs, such as FIDA, ASF contribute to JLOS goals, but JLOS does not always report exhaustively on what contributions some of these CSOs have made to sectoral priorities. Anecdotal references made to their contribution demonstrates that these CSOs are not perceived as partners.

2.6.3 Coherence and complementarity with other KAM support in Uganda in the field of rule of law?

KAM support is conceptualised in its MACS through a two-track approach of supporting both the demand (through civil society) and the supply (through JLOS) side of justice and rule of law. This strategy is designed to enhance a complementary approach in ensuring that when you support people to seek justice and rely on rule of law, they can actually access the services that they need. This evaluation report has focused on showing the results and effectiveness of this supply side support. Regarding the demand side of support, EKN KAM has supported civil society in Uganda working in the field of access to justice and rule of law through the DGF, ASF, NIMD and VNG and other central and strategic partnerships such as VOICE working on this thematic domain.

The Justice Centres Uganda were supported by EKN KAM both through JLOS and DGF. In the field of legal aid there is a lot of overlap, but no duplication. Justice centres are state institutions, but they do operate independently. There was an assumption that GoU

⁴⁸ NDP III, page 226. (Objectives i) Improve policy, legislative and regulatory framework ii) Enhance access to JLOS services particularly for vulnerable persons; iii) Promote accountability and the observance of human rights.)

support would increase to justice centres, while development partners support decreases, but this did not hold according to DGF.

Support to DGF has been halted since last year, at the order of the GoU on account of the fund not being adequately supervised by the Ministry responsible for Finance, Planning and Economic Development. This has led to difficult discussions between EKN KAM and high-level officials. This support complimented the support to JLOS institutions by enhancing the demand for justice, in line with one of the major assumptions of the project. The suspension of DGF has meant a devastating blow to the EKN KAMs strategy and assumption that one needs to support both demand and supply side of justice in order to enhance access to justice.

Considering that Uganda has been included as focus country in 25 strategic partnerships, it will be challenging for EKN KAM to keep track of activities of all these 25 partnerships and ensure coherence and complementarity of all projects that work on the supply side of justice.

3 Conclusions and recommendations

3.1 Conclusions

The evaluation of the programme aimed to analyse whether the earmarked Dutch support to the JLOS has been relevant, efficient, effective, impactful, sustainable and coherent.

3.1.1 Relevance and risks

The design of the JLOS project was well aligned to both the Multi-Annual Country Strategy (MACS) of the EKN KAM, and to the results framework for Rule of Law of the MFA, while EKN KAM was able to increase the projects' **relevance** by requesting certain results areas to be prioritised. The project is considered relevant to JLOS institution representatives for its support towards systemic change and strengthening institutions throughout the justice sector, even though prioritisation sometimes is considered to counter that. The project is also considered moderately relevant for beneficiaries.

The evaluation traced the following main assumptions underlying the rationale to support the project and sector:

- supporting both demand and supply sides of justice will lead to most impact on improving access to justice
- improved infrastructure contributes to increased access to justice by facilitating both actual access, use and coverage
- reduction of case backlog is instrumental to increase access to justice.
- providing support to the JLOS gives the Embassy/Dutch MFA important channels to address issues of concern with JLOS

The assumptions underlying the intervention were considered valid, but their validity also implies taking a good look at what these assumptions now mean for future strategy in the field of Security and Rule of Law.

The ToR required findings on the **risks** of direct support to the sector. The risks of political interference and the Rule of Law being constrained by human rights violations/brutalities by security forces have materialised during project's lifetime, and faced strong political backlash in the Netherlands. These continue to be realistic risks, especially in light of the upcoming elections in Uganda. Previously identified mitigation measures (e.g. strengthen HRBA, raise community awareness and support NAPs on human rights) have not fully mitigated this risk. Therefore these risks will remain, and it is up to the Embassy and MFA to decide whether these risks outweigh the progress that can be made at strengthening the access to justice for Ugandan citizens. They are an unavoidable part of this type of support, and any decision made on continuation of support will need to take this fully into account.

3.1.2 Efficiency, results and contribution

The findings show that support through earmarked funding has risks, advantages and disadvantages. The **modality of support** adopted by the Dutch embassy has enabled focused intervention on specific key result areas which are in tandem with the policy priorities of the Embassy in the JLOS in Uganda. The modality of support has strengthened collaboration within JLOS institutions in terms of planning as a sector, monitoring and implementing planned activities. The **results** that were reconstructed from various reports show that performance was mixed, while acknowledging that an almost two-year lockdown due to the Covid-19 pandemic has had a devastating impact on any progress made on reduction of case backlog. While this would warrant continued support, it can be questioned whether after 20 years, not more progress could have been expected.

Even where the most-funded target of reducing case backlog to single digit was not achieved during the project, there is evidence that the support enabled JLOS institutions to plan more collaboratively towards activities. The earmarked funding to JLOS institutions also enabled the project to provide an opportunity for adaptation and adoption of new technologies towards improving access to justice. The use of technology is likely to contribute to strengthening access to justice if sustained.

The findings show that the modality of support has enabled the JLOS leverage the GoU for budget support throughout the project period. Given that the adequacy of GoU support was raised as a serious impediment to implementation of sector activities, this points to the importance of the Dutch modality of support in JLOS. Despite the availability of Dutch support, the funding gap remains a challenge for the sector. The annual GoU releases against budget always fall short of what is needed to sustain activities in the sector.

Regarding **impact**, there are indications of improved coordination and collaboration at JLOS which enhances service delivery. Furthermore, digital solutions and infrastructure that were provided through the Dutch support increased access and coverage. Support to JLOS has contributed to the bilateral relations between the two countries and has enabled EKN KAM to have channels and opportunities to table issues of concern. However, there is little to no direct evidence of results and impact of this diplomacy.

Regarding some of the **unintended and negative effects**, the evaluation noted that some traditional leaders trained on basics of Uganda law and procedures are reported to have started to charge some fees for dispute resolution within refugee communities. There is also a perception of overreliance on plea bargaining as a way to reduce the case backlog. However, there hasn't yet been a study to understand how plea bargaining impacts the delivery of justice.

The **contribution of Dutch support** to specific changes has been mostly of low (3x), of moderate (1x) and of high (1x) significance. Looking at the size of the interventions in light of the overall needs, and the additional interventions and programs that take place in parallel, the Dutch support is useful, but of a low significance in terms of its contribution towards achieving the stated outcomes.

Although the focus of the evaluation was not the Dutch funding to the DGF, it is co-related with the support to JLOS. The suspension of DGF has meant a devastating blow to the EKN KAMs **strategy and assumption** that one needs to support both demand and supply side of justice in order to create impact on access of justice. EKN KAM, has seen one of its most significant contributor, DGF, to the demand side of SRoL halted. Given that much support now goes to a government that has basically blocked the Embassy's two track approach through the suspension of DGF, this has created a significant imbalance in support.

3.1.3 Sustainability and coherence

The **sustainability** of outcomes and benefits of support is considered most likely at the levels of increased capacity building, although staff turnover remains an ever-present risk. While hardware and infrastructure is likely to stay, maintenance and further roll out will slow down or be unlikely if funding ends. Embedding access to justice solutions in existing structures and focusing on the whole sector and justice chain have been very beneficial to sustainability. There are also quite some examples of rights-holders having been linked to longer-term programmes, and this has been facilitated by the direct engagement and consultative processes maintained in the programme.

Sustainability of some strategies to improve access to justice of vulnerable persons is still premised on (earmarked) Dutch support. Some aspects of the project such as special court sessions targeting cases involving children are unlikely to continue if support stops. Case backlog is likely to increase (given the rise in backlog during covid lockdown, if the prosecutors and case management system being rolled out is not effectively concluded).

The Dutch support to JLOS is **coherent** with the priority areas and intended outcomes in Uganda as formulated in the EKN KAMs MACS for 2019-2022, and in its initial annual plans. The 2019 highlights that the two-track approach of supporting both JLOS and DGF is ongoing, and that the EKN KAM planned to strengthen the partnership between the State and non-State Rule of Law partners. The latter was in line with the assumption of supporting both demand and supply side, but has since taken a serious setback due to the suspension of DGF. Regarding the further coherence with the demand side of support, EKN KAM has supported civil society in Uganda working in the field of access to justice and rule of law through the DGF, ASF, NIMD and VNG and strategic partnerships working on this thematic domain.

The Dutch support is coherent with national plans and other JLOS institutions, and with that of other development partners, most importantly the EU, specific UN agencies such as UNDP, and ADA.

3.2 Recommendations

3.2.1 Recommendations for future programming

The context in which future programming will happen can be looked at from the national development perspective. The JLOS has now been incorporated into the Governance and Security Programme. Subsequent programming will be in accordance with the Governance and Security Implementation Plan and the Access to Justice sub-programme. In addition, the Judiciary has now been separated from other law and order institutions as an independent arm of government.

In similar/future programmes, dedicated and trained M&E staff or project manager needs to be incorporated to ensure uniform, good-quality and reliable collection, analysis, monitoring of data, and reporting. Not only attention to collection and sharing of data is important, but also using this data to learn and adapt a project when necessary. In parallel, capacity building support can be given to enhance M&E capacity at the level of the sector institutions.

We recommend channelling support towards the capacity and tools to use of digital technology to ensure the training departments of JLOS agencies have the capacity to provide ongoing training and sustain capacity building of staff where new recruits are brought on board or those already trained are transferred.

3.2.2 Recommendations on assumptions

1. Supporting both demand and supply sides of justice will lead to most impact on improving access to justice.

This assumption requires a review of EKNs current SRoL programme and supporting projects that ensure a new balance between demand and supply, considering the suspension of DGF. Right now, the balance is skewed toward the supply side.

2. Improved infrastructure contributes to increased access to justice by facilitating both actual access, use and coverage.

Supporting infrastructure as a way to increase access to justice is relevant and effective, especially tools and capacity building to use digital infrastructure in support of more efficient service delivery.

3. Reduction of case backlog is instrumental to increase access to justice.

While reduction of case backlog remains vital to create systemic change in increased access to justice, this requires a very holistic, concerted and systemic approach that cannot be expected from one development partner alone. Expectations on Dutch contribution to this aim should be lowered.

4. Providing support to the JLOS gives the Embassy/Dutch MFA important channels to address issues of concern with JLOS.

If support to JLOS is continued, this channel is still in place and could and should be used to table issues, voice concerns, and ask specific questions. However, EKN KAM should lower its expectations to the level of results and impact of diplomacy it can achieve.

3.2.3 Specific recommendations on future Dutch support and modalities (and associated risks)

We distinguished 5 modalities of support. In this section the evaluation attempts to weigh the likely implications of each modality, the effectiveness of mitigation measures deployed against the risks identified by the project and the advantages of each of these modalities to the Dutch as a development partner.

Modality	Likely implications	Effectiveness of mitigation measures	Advantages
1. Budget support (non-earmarked funding)	No control over what funding is spent on/ which institutions benefit from support as it forms part of government funding to institutions	Low effectiveness of mitigation measures	Provides greater influence with the Government of Uganda
2. Earmarked support to specific sector	Support to some institutions within the sector may be politically risky to the development partner	Moderate effectiveness of mitigation measures	Moderate influence with Government of Uganda; EKN KAM able to leverage support to areas of interest e.g. Justice for children, refugees, SGBV.
3. Support through implementing partner	Management costs incurred by an implementing partner makes cost of support burdensome	Moderate effectiveness of mitigation measures	Support can cover both the demand and supply side of justice services; Planned activities can be executed with minimal delays; Politically safe
4. Support through basket fund, such as DGF	Activities are already designed, making it more difficult to engage directly on priority areas; Little visibility of the Dutch as donor	Moderate effectiveness of mitigation measures; Severe backlash experienced by DGF	Support can cover both the demand and supply side of justice services; Limits duplication by development partners; Politically safe for a development partner
5. Support to specific government institutions	Disproportionate support to some institutions which weakens the justice chain; Political risk continues	Low effectiveness of mitigation measures	Focus may make it easier to track progress of project activities

Supporting the Access to Justice sub-programme through modality 1 provides the advantage of greater influence with the Government. However, it involves a clear political risk. Support through modality 3 provides an advantage of being able to empower the ultimate beneficiaries of a strengthened justice, law and order institutions. The UN institutions tend to remain cushioned from likelihood of government overreach than the

international and national NGOs. However, its main limitation lies with the shrinking space of civil society to operate in Uganda. Support through modality 4 has the advantage of reducing overlap. However, there remains the risk of backlash which can impede implementation of the project. Support under modality 5 provides the advantage of tracking results easier. However it comes with a risk of leaving behind other justice and law institutions which slows down the progress of achieving broader outcomes. This modality does not facilitate visibility of the development partner.

A modality that mitigates this political risk somewhat but strikes the appropriate balance with diplomatic influence may be to support specific institutions within the Access to Justice sub-programme, and implementing partners (Modality 2 and 3). For instance, the judiciary (Strengthening Commercial and Criminal Justice, Refugees, TJ) and ODPP (SGBV, Children) directly, rather than the entire sub-programme. This is politically less sensitive for the Dutch government, and avoids the current broad cooperation which includes the police.

Scrutiny of this type of direct support to government's justice sectors in other countries will not only continue, but likely increase. The strategic goal of the Netherlands embassy in Uganda will be the key determining factor on the best modality of support. If that strategic goal is to support both demand and supply of justice, it will need to resolve the current imbalance due to the suspension of DGF.

We believe supporting modalities 2 and 3 will see considerably less (political) risks, and would ensure the support to justice in a more independent bottom-up way. However, with these modalities distinctly less direct engagement and influence on priority areas will be possible.

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Annexes

Annex 1 Evaluation matrix

Evaluation Question	Approach	Data collection/ analysis tools	Sources
<i>Relevance</i>			
Q1. Has the support to the JLOS-sector contributed directly to the goals and objectives of the Embassy and the Ministry of Foreign Affairs in the Netherlands in the field of rule of law (results framework attached, also Multi-annual country strategy and annual plans of the embassy)?	<p>We start with reviewing the different results frameworks that underly the programme, which are the Ministerial Rule of Law framework and policy objectives and the multi-annual country strategy. We assess how the Dutch support to JLOS has been deliberately aligned to these frameworks, and how achieved results align to these broader results areas.</p> <p>Through interviews with internal stakeholders at the embassy, and potentially with representatives of the Ministry, we assess where contribution to goals and objectives is more and less apparent, and reasons why.</p>	<p>Desk review</p> <p>KIIs</p>	<ul style="list-style-type: none"> • Annual- and multiannual country strategy, MFA Rule of Law results framework, annual plans and reports and other programme and embassy documents • KIIs with Embassy staff • KII with Ministry of Foreign Affairs representatives
Q2. Are the objectives of the programme in line with the results framework of the Ministry of Foreign Affairs of the Netherlands in the field of rule of law and the annual plans and multi-annual country strategy of the embassy? Were the interventions relevant towards the results areas? (see results framework Rule of Law of the Ministry)	<p>We review the stated objectives of the programmes against the Ministerial Rule of Law framework and policy objectives and the multi-annual country strategy and annual plans of the embassy. We trace how the objectives have been translated and designed into a specific set of interventions and assess how these align and feed back to the relevant results frameworks. The relevance towards the results areas are further assessed through interviews.</p>	<p>Desk review</p> <p>KIIs</p>	<ul style="list-style-type: none"> • Annual- and multiannual country strategy, MFA Rule of Law results framework, annual reports and other programme and embassy documents • KIIs with Embassy staff • KII with Ministry of Foreign Affairs representatives
Q3. Are the interventions of the JLOS-sector based on valid assumptions and on evidence?	<p>We apply desk review to identify any assumptions and underlying evidence in the programme design and intervention logic, and test how these assumptions played out during the actual implementation. Through interviews with internal and external stakeholders we assess how these assumptions came about, what evidence was used to design the interventions, and the validity of the assumptions.</p>	<p>Desk review</p> <p>KIIs</p> <p>Case studies</p> <p>Stakeholder Survey</p>	<ul style="list-style-type: none"> • Annual- and multiannual country strategy, MFA Rule of Law results framework, annual reports, and other programme and embassy documents • KIIs with Embassy staff • KIIs with JLOS representatives • KIIs with civil society representatives • Case study interviews with JLOS institutions; • Survey Data

<p>Q4. Were the right key risks identified and were they realistic? How have key risks impacted the programme outputs? Do identified key risks need to be revised for future programming? Please consider both project risks as well as wider risks for KAM and implementing partners. These should include the risks related to political developments in Uganda (eg. violence around elections) and the role of JLOS-institutions.</p>	<p>Through desk review of proposal and annual reporting we arrive at a compilation of risks (both project specific as well as broader political risks) identified prior and during project implementation.</p> <p>KIIs with JLOS, KAM and other relevant stakeholders and implementing partners involved in the design, planning and implementation of the project will complement this review of risks. We will ask stakeholders how these risks materialised (if at all), whether they remain relevant, or need to be adjusted in light of future programming in this context.</p>	<p>Desk review</p> <p>KIIs</p>	<ul style="list-style-type: none"> • Programme documents (proposal, inception and annual reports, and evaluations). • KIIs with JLOS representatives. • KIIs with stakeholders from other JLOS support modalities. • KIIs with civil society organisations/NGOs involved with/working on JLOS in Uganda.
<p>Q5. Were the mitigating measures relevant and suitable for the identified risks?</p>	<p>Desk review of prior identified risk mitigation measures, and evidence in annual reports/plans that these measures were taken if needed. Interviews with relevant stakeholders on applied mitigation measures and their relevance and suitability to the identified risks.</p>	<p>Desk review</p> <p>KIIs</p>	<ul style="list-style-type: none"> • Programme documents (proposal, inception and annual reports, and evaluations). • KIIs with programme stakeholders. • KIIs with stakeholders from other JLOS support modalities. • KIIs with civil society organisations/NGOs involved with/working on JLOS in Uganda.
<p>Q6. Are the supported interventions relevant according to the stakeholders and beneficiaries of the project?</p>	<p>Desk review to identify priorities and goals set to be achieved by the programme and the needs, of both beneficiaries and stakeholders, these priorities and goals were intended to cover.</p> <p>This will feed into topics/materials for KIIs and FGDs with stakeholders and beneficiaries. The KIIs and FGDs will enquire into to what extent, how and why/why not the project was/is relevant to stakeholders and beneficiaries and what efforts were made to maintain/increase the relevance of the project for these actors over time.</p> <p>The case studies will also enquire into the relevance of the supported interventions for the JLOS institutions and the beneficiaries that make use of the services of these institutions.</p>	<p>Desk review</p> <p>KIIs</p> <p>FGDs</p> <p>Case studies</p>	<ul style="list-style-type: none"> • Programme documents (proposal, inception and annual reports, and evaluations). • KIIs with Embassy staff, beneficiaries, NGOs/Civil society

<i>Efficiency</i>			
<p>Q7. Was the planning of the interventions in the JLOS-sector realistic, adaptive and well-thought out? What lessons can be learned from this?</p>	<p>Desk review to map out set planning targets and any alterations thereto. Through KIIs we assess how JLOS stakeholders assess the planning and execution of the projects interventions and if there were specific lessons and/or success to be taken into account. Additionally, the stakeholder survey will include several questions asking about the realism of the planning of interventions and will allow for further explanation/description of lessons learned via a textbox. Only stakeholders indicating to have been involved in the execution of the project (all but civil society) will receive this question in the survey.</p> <p>Any lessons related to planning and adaptation can be further elicited during the sensemaking session.</p>	<p>Desk review KIIs Stakeholder survey Sensemaking session</p>	<ul style="list-style-type: none"> • Programme documents (proposal, inception and annual reports, and evaluations). • KIIs with JLOS representatives. • Survey Data
<p>Q8. Were the interventions adequately resourced in terms of policy staff and budget to enable the desired results?</p>	<p>We apply an overall analysis of budget and expenditures through desk review. Available information on financial and human resources, plans and actual results, and differences therein are analysed during the desk review. Next to this, perceptions of relevant stakeholders and staff, will be collected through KIIs and the stakeholder survey.</p>	<p>Desk review KIIs Stakeholder survey</p>	<ul style="list-style-type: none"> • Programme documentation budget and human resource information, annual plans and results • KIIs with JLOS and Embassy stakeholders • Survey Data
<p>Q9. How does the Dutch support to the JLOS-sector, in terms of value for money, compare to other modalities of support to the sector through other channels ?</p>	<p>Analysis of project documents of the KAM and other support modalities (Swedish/IDLO-, UN-agency-, INGO- and direct support) supporting 1 or more JLOS-Institution. Application of a cost-effectiveness analyses by assessing project data to compare costs and analyse to what extent costs and time are proportional to the outputs and outcomes. Comparison of cost-effectiveness analyses results between Dutch and other support modalities.</p>	<p>Desk review Cost-effectiveness analysis KIIs Benchmarking with other JLOS support modalities</p>	<ul style="list-style-type: none"> • Project documentation and budget information of Dutch- and other JLOS support modalities on comparable output level • KIIs with JLOS and relevant stakeholders with regards to Dutch and other JLOS support modalities.

<i>Effectiveness</i>			
<p>Q10. What are the key strengths and weaknesses of project implementation? What worked well, what did not and what needs to be achieved to deliver future programming?</p>	<p>Inquiry into what various stakeholders identify as strengths, weaknesses/gaps and opportunities of the programme. Using previously identified other modalities supporting JLOS for benchmarking an elaboration of identified strengths and weaknesses.</p> <p>Joint definition of related criteria and indicators of ‘well working’ with key stakeholders. Subsequently, identify those interventions that fit the definition of well working (and those that fall out of that category), by means of desk review of programme documentation, and M&E data specifically.</p> <p>We then assess the factors that contributed to interventions working well or not, through the triangulation of stakeholder survey-data and perceptions of key-stakeholders and ‘beneficiaries’ acquired through KIIs and FGDs.</p>	<p>Desk review</p> <p>KIIs</p> <p>FGDs</p> <p>Case studies</p> <p>Stakeholder survey</p> <p>Sensemaking</p>	<ul style="list-style-type: none"> • Programme documentation: results frameworks, annual workplans, M&E tables, targets and results, evaluation and MTR reports • Key-stakeholders from JLOS institutions, JLOS secretariat • Case study interviews with selected JLOS representatives and beneficiaries • Survey data
<p>Q11. Have the intended results at the outputs and (intermediate) outcome level been achieved?</p>	<p>Desk review on programme documentation to map out intended targets and reported results at and outcome levels. The evaluators make an assessment on the level of achievement of results, and test and validate this through the case studies and interviews. Through these case studies we trace the achieved outcomes, and through contribution analysis we try to explain both internal and external factors to achievement or non-achievement of these results.</p>	<p>Desk review</p> <p>KIIs</p> <p>Case studies</p> <p>Contribution analysis</p>	<ul style="list-style-type: none"> • Programme documentation: ToC, annual workplans, logframes, results framework, M&E tables, targets and results, evaluation and MTR reports KIIs with JLOS institute representatives and external stakeholders such as civil society actors and beneficiaries that can validate the achievement or non-achievement of results.
<p>Q12. How was the collaboration, communication with the JLOS institutions in terms of planning, monitoring, implementation, and the embassy's leverage? Related to this and focusing on the political sensitivity in the Netherlands of working directly with the government of Uganda: Is direct cooperation with the JLOS-sector the best manner to reach the intended results and outcomes in the future, or can</p>	<p>Through desk review of (external) evaluations and formal assessment documents, we specify the particular ‘risks’ and ‘benefits’ associated with working in JLOS in Uganda (benefits could include trust, leverage, speed of delivery, room for flexibility, promotion of harmonisation, etc. Risks could include political sensitivity, fiduciary risks, etc.).</p> <p>Benchmarking of risks / benefit ratio of working through bilateral, multilateral, and non-state channels.</p> <p>Through interviews we gather the experiences / perceptions of risks versus benefits by peer and ‘recipient’ organisation. We also collect experiences / informed opinions related to the relative (dis)advantages of different modalities</p>	<p>Desk review</p> <p>KIIs</p> <p>Benchmarking</p>	<ul style="list-style-type: none"> • (External) evaluations and formal assessment documents • Interviews with representatives from relevant multilateral, other bilaterals and INGOs active in JLOS.

<p>similar or better results be achieved through other channels? This should include an assessments of the benefits of working directly with government as well as the risks of this modality. (Alternative modalities to consider: through UN (UNDP or UNODC) or an INGO (IDLO), or bilateral with one or more selected JLOS-institutions)</p>	<p>independent from civil society representatives, through the interviews.</p>		
<p>Q13. Is the fraud risk assessment and the fiduciary risk assessment sufficient to reduce the risk of fraud and misuse of funds? Are additional checks and balances required to ensure that possible future funds are used as intended?</p>	<p>From the previous identification of risks, and benchmarking to other modalities in the manner in which they identify and mitigate risks, we focus on the fiduciary risks in particular. Based on this assessment and benchmarking exercise we make a judgment as to whether additional mitigation measures to reduce the risk of fraud and misuse are required.</p>	<p>Desk review KIIs Benchmarking</p>	<ul style="list-style-type: none"> • (External) evaluations and formal assessment documents, fiduciary risk action plan JLOS • Interviews with representatives from relevant multilateral, other bilaterals and INGOs active in JLOS.
<p>Q14. How was the risk of the use of hardware for other than intended purposes assessed? Was it - in hindsight - sufficiently addressed? What monitoring and mitigation measures (If any) were taken?</p>	<p>From the previous identification of risks, we focus on the risks of hardware being used for other than intended purposes. We identify the risk assessment and mitigation measures related to this risk, and assess whether this risk was properly addressed, monitored or mitigated.</p>	<p>Desk review KIIs</p>	<ul style="list-style-type: none"> • (External) evaluations and formal assessment documents • KIIs with programme stakeholders, in particular JLOS secretariat.
<p>Q15.1 How effective has the overall implementation of activities in the JLOS-sector been?</p> <p>Q15.2 How has the Dutch support contributed to the overall strengthening of the programme?</p>	<p>Comparative analysis of intended versus actual outputs to enquire into:</p> <ul style="list-style-type: none"> - What outputs were planned? - What outputs have been delivered? - What explains success or variance between planned and actual outputs? <p>This will take place through document review of relevant documents combined with KIIs with involved stakeholders.</p> <p>Case-based contribution analysis related to a sample of outcomes that represent the diverse ambitions of the programme. Firstly, jointly with MFA, IOB and KAM staff, four/five key causal questions (from output to outcome) that reflect the core of the programme will be identified. Subsequently the following questions will be enquired into:</p>	<p>Desk review KIIs Contribution analysis Case studies Sensemaking with key stakeholders Stakeholder survey</p>	<ul style="list-style-type: none"> • Programme documents, annual plans and reports on performance • Stakeholders involved in implementation (including JLOS, Embassy, recipient institutions /cooperation partners)

	<p>- To what extent has progress towards these outcomes been realised?</p> <p>- What explains this progress/lack of progress and what are the main contributing/explanatory factors within and outside the programme interventions?</p> <p>- What has been the relative importance of each contributing factor</p> <p>- What is the significance of programme contribution for each particular case.</p> <p>Lastly, a synthesis will be made of findings from cases to identify/formulate a credible contribution claim that can be made by the programme.</p>		
<p>Q16. How effective was the Embassy's monitoring (planning, Implementation, use of the results for steering and adjusting)?</p>	<p>Desk review on programme documentation concerned with monitoring (planning/workplan documents, logframes, MTR and evaluation reports) to gain an overview of monitoring efforts and to identify possible alterations/adjustments in planning, goal setting and the course of the programme. The assessment documents by KAM after each JLOS report supports the identification of any monitoring issues that arose during the programme's lifetime. This desk assessment will be supplemented with KIIs with key stakeholders from KAM and coordinating JLOS institutions that were involved with/responsible for monitoring activities and/or were involved in decision making concerning adjustments to the programme.</p>	<p>Desk review KIIs</p>	<p>* Programme documentation concerned with monitoring (planning/workplan documents, logframes, MTR and evaluation reports, Embassy assessment documents)</p> <p>* KIIs with key stakeholders from Embassy and coordinating JLOS institutions (involved with planning, monitoring, decision making)</p>
Impact			
<p>Q17. To what extent has the intervention generated significant positive or negative, intended or unintended, higher-level effects?</p>	<p>Use of desk review of programme documentation and results framework to determine the intended impact objectives and result areas. By means of KIIs with JLOS institutions and beneficiaries and survey data we collect evidence on the achieved outcomes and impact on delivering justice; and from KIIs from civil society, the demand side of justice delivery. Through the case studies we will pay particular attention to any report positive and negative but also intended and unintended effects of the intervention, and contribution analysis will help both capture and identify the contribution of the Dutch support to those effects.</p>	<p>Desk review Case studies Contribution analysis KIIs Stakeholder Survey</p>	<ul style="list-style-type: none"> • Programme documentation • Survey data • KIIs JLOS institutions; civil society and beneficiaries

	The stakeholders survey will further enquire into differential results of the interventions across different stakeholder and beneficiary groups according to stakeholders.		
Q18. What influence, if any, has the long-lasting cooperation with the JLOS-sector had on the bilateral relations between Uganda and the Netherlands and has this led to any concrete achievements? Would this relationship suffer if support to the sector would be provided in another manner or ended?	Investigation into the existence and changes in influence of KAM and JLOS cooperation on bilateral relationships between Uganda and the Netherlands. We assess both the expected and achieved influence, and any changes in the bilateral relationships through KIIs with KAM, MFA and JLOS staff. The KIIs will also enquire into the question if KAM staff perceives the cooperation as having led to concrete achievements and will enquire at JLOS level into what the effects of changing or ending the support to the JLOS sector would/could be on this relationship. Through interviews with other development partners that support the JLOS sector, we assess how these bilateral relations have been affected by different support modalities.	KIIs	<ul style="list-style-type: none"> • Embassy, MFA and JLOS representatives
Q19. Has the provided support given KAM entry points, contacts with authorities and seats at the table to discuss JLOS-related matters (of concern)?	<p>We start with exploring and specifying the topics of concern and the nature of collaboration and dialogue within the JLOS sector in Uganda on those topics.</p> <p>From the BEMOs we identified that the Netherlands chairing the JLOS development group allowed it to play an active and visible role in policy/political dialogue. We use desk review and KIIs to provide details on the chaired meetings and identify how this role has enabled the Netherlands to create larger space for dialogue and the ability to table issues, such as political pressures around election time, human rights issues, etc.</p>	Desk review KIIs	<ul style="list-style-type: none"> • Documents on meetings and/or for a between Embassy and JLOS and of the Development Partner Group • Stakeholders: Embassy, recipient institutions / GoU, cooperation partners, NGOs/Civil society

<i>Sustainability</i>			
<p>Q20. What is the probability of long-term benefits of support to the JLOS-sector? How successful has the project been at linking rights holders to longer-term programmes? What factors contributed to that realisation? Will outcomes/results lead to benefits beyond the life of the project?</p>	<p>Investigation into the long-term effects of support to the JLOS sector as perceived by stakeholders at KAM, JLOS institutions, other stakeholders (e.g. civil society) and beneficiaries through KIIs, FGDs and survey research. The KIIs, FGDs and survey will also enquire into the degree of success of the programme in linking rights holders to longer term programmes and the internal and external factors that contributed to that achievement. Using these methods there will also contain an enquiry into the perceived likelihood that benefits will sustain beyond the duration of the programme support.</p>	<p>KIIs Case studies Contribution analysis Stakeholder survey</p>	<ul style="list-style-type: none"> • Embassy staff • JLOS stakeholders • Beneficiaries and civil society representatives • Survey data
<i>Coherence</i>			
<p>Q21. To what extent are the interventions supported through the JLOS-sector coherent with the annual plans and multi-annual plans of the Embassy?</p>	<p>We start with an inventory of interventions supported through the JLOS-sector by KAM. This is followed by review and comparison with annual plans and multi-annual plans of KAM. Compilation and validation of findings and results from comparison with key-stakeholders through KIIs.</p>	<p>Document review KIIs</p>	<ul style="list-style-type: none"> * Annual- and multi-annual Embassy plans * Embassy staff
<p>Q22. To what extent is the support to the JLOS-sector coherent to and complimentary with other support KAM provides in Uganda in the field of rule of law?</p>	<p>Through desk review we create an inventory of other support provided by KAM in Uganda in the field of rule of law and subsequent investigation into what kind of synergies and interlinkages exist between the programme in question and other KAM initiatives in the same sector. This will be combined with KIIs with key KAM staff members to further investigate and/or clarify to what extent these interlinkages and/or synergies exist(ed) in practice.</p>	<p>Desk review KIIs</p>	<ul style="list-style-type: none"> • Embassy programme documentation on all programmes in the field of rule of law • Embassy staff
<p>Q23. To what extent are activities of other actors in the JLOS-sector coherent and to what extent is the Dutch support coherent with national plans and initiatives?</p>	<p>Investigation into the external coherence of other identified JLOS initiatives in Uganda. Investigation into the external coherence of Dutch support to the JLOS sector through desk review starting off with the creation of an inventory of other actors' activities and national plans involving the Ugandan JLOS sector. This will be compared to the inventory of KAM support to the JLOS sector created for the investigation of the internal coherence of the programme.</p>	<p>Desk review KIIs</p>	<ul style="list-style-type: none"> • Embassy programme documentation on all programmes in the field of rule of law KIIs with JLOS secretariat and other development partners supporting the JLOS sector, civil society representatives • National policies/plans concerning JLOS in Uganda

Annex 2 Contribution cases

Case 1: “How significant has the audio-visual conferencing technology rolled out in the Buganda road magistrate court in Kampala been in realising decreased case backlog?”

Observed change (outcome)	Contributing factors	Factor type	Significance scale 1 - 4 (low - high)
Possible contribution to reduced case backlog, especially during the COVID-19 lockdown	Resources for purchase of audio- visual equipment- 3 cameras, TV screen, internet connection and cables, microphones all in Court room 1 of Buganda Road Magistrate’s court.	Primary	4
	Training of judicial officers and their willingness to use tech- especially with the onset of COVID-19	Primary	4
Improved efficiency because recordings are available for notes and analysis	COVID-19 and standard operating procedures (SoPs) that restricted movement and interaction between people	Rival (contributing)	4
	Limited internet access and unreliable/unstable connectivity	Rival (contradictory)	4

Some primary factors by the project that contributed to the observed outcomes were the audio-visual resources that increased the ability of courts to handle cases in which witnesses were unable to be physically present in court i.e. bridging the gap between witnesses and the courts. It is, however, important to note that only 1 out of 4 court rooms received this audio-visual system, and it relies heavily on witnesses and survives having access to internet connectivity. It also provided opportunity/alternative for cases of child survivors and/or witnesses and/or survivors of SGBV to be heard in a ‘safe space’. The recording function saves time for judicial officers’ note taking, and ensures this information is available for analysis. Some concern was raised about appropriateness of the current technology/equipment (audio-visual), however, JLOS secretariat noted that the audio-visual equipment in selected courts is considered to be a longer -term investment i.e. will work better with judiciary ECMISS and ODPP on-line systems.

Furthermore, the training provided through JLOS enabled judicial officers to use the equipment, when internet was available/consistent and equipment was functional. Rival external factors that contributed to the change were Covid-19 SoPs that restricted in person interaction, and or limited the interaction that was in place for close to 2 years in Uganda. The judiciary, like other institutions had to look to technology as a way to foster communication and have cases heard. Finally, an external contradicting factor was the limited and unreliable internet connectivity which affected the ability of the judiciary to use the audio-visual equipment consistently and effectively.

In light of these factors we consider the contribution by the support to JLOS as significant to the observed change.

Case 2: “How significant have the outreach programme, the trials, witness protection in district/area Gulu been in realising better access to transitional justice?”

Observed change (outcome)	Contributing factors	Type	Significance scale 1 – 4 (low - high)
For some of the survivors who watched the trials, there was a sense of justice and/or closure	Resources for outreach activities to create awareness about the trials (done with CSOs); set up of spaces where trails were projected on big screens; witness protection (training/coaching & tried to protect their identities) including relocation	Primary	2
	Timing i.e. transitional justice (TJ) is an issue that was long overdue	Rival (contribution)	4
Improved understanding by some in the community on how ‘formal court’ operates	Role of other stakeholders like the international criminal court (ICC) that also had awareness raising activities for communities	Rival <i>(part contribution & part contradictory because of ICC messaging i.e. that guilty verdict would result in reparations)</i>	2
	Collaboration amongst key stakeholders	Rival (contribution)	4
	Involvement of CSOs in this process was critical -they were considered a key stakeholder in the process and were able to use their networks and mobilisation skills to get communities engaged	Rival (contribution)	4
	Delays in drafting and passing the TJ policy, and have not been able to create awareness about it- including explaining that there will be no direct compensation as reparations	Rival (contradictory)	4
	Progress on TJ was stalled, due to prioritisation on anti-corruption efforts	Rival (contradictory)	4
	Witness protection bill has not yet been passed	Rival (contradictory)	3

JLOS supported outreach activities to create awareness about the; set up of spaces where trails were projected on big screens; and provided witness protection (training/coaching & tried to protect their identities) including relocation. This provided opportunity for community members and families to reconcile, after hearing first -hand accounts from different parties in the conflict. Whilst the JLOS initiatives were useful for communities and survivors to watch the trial, its contribution to transitional justice has been of low significance, in light of many contradictory and contributing rival (external) factors. In particular, delays in passing the TJ policy and providing clarification on what would constitute transitional justice left some community members and/or survivors with unmet expectations and dissatisfaction with the formal justice system.

Case 3 “How significant has the support to mobile courts in Masindi High Court circuit been in realising increased access to justice for refugees and host communities?”

Observed change (outcome)	Contributing factors	Type	Significance scale 1 - 4 (low-high)
Strengthening police, prisons and judicial officers' response to justice needs of refugees; Refugees access to referral pathways (police, prisons, courts)	Capacity building to justice actors (prisons officers, judicial officers, police) working in communities with refugee settlements	Primary	3
	Resources provided by Dutch funding to RLP which facilitated: <ul style="list-style-type: none"> • Court Sessions (each session is approx. 4 weeks covers 40-50 cases); • A session costs approx. 50 million shillings; • Legal representation; • Prison visits (detention monitoring); • Transport for prisoners; • Capacity building for prisons officers and police on handling refugees in the justice system; • Community policing • Police form 3 related to SGBV reporting 	Rival (contributing)	3
	b) Financial Resources provided by UNHCR to support sessions in mobile courts (particularly in Hoima);	Rival (contributing)	3
	f) Refugees learning local languages and benefitting from Adult English programmes by RLP; and basic awareness on legal rights programmes conducted by ULS	Rival (contributing)	2

The mobile courts are one way of improving justice outcomes for refugees living in settlements. The resources provided to JLOS provided capacity building to justice actors (prisons officers, judicial officers, police) working in communities with refugee settlements, which could have made them better prepared for the justice system. In Kiryandongo district, within the Masindi High Court circuit, the contribution of Dutch funding to the JLOS was moderately significant. A rival contributing factor, the engagement of civil society through the Refugee Law Project contributes heavily to the outcome of strengthening the justice institution's response to refugees' justice needs. This external programme contributed to concluded investigation reports from police, overstay on remand has reduced, concluded prosecutions in cases involving refugees; police and prison officers respond differently towards refugees as rights holders; and ranting of bail to refugees by recognising a refugee settlement as a place of abode. In light of all these rival contributing factors, the significance of the contribution to observed outcome is considered low.

Case 4: “How significant have the reform of and providing equipment to business registries in Kampala been in realising commercial justice?”

Observed change (outcome)	Contributing factors	Type	Significance scale 1-4 (low-high)
Contributed to strengthening the business environment including legal protection; specific focus on interventions targeting SMEs and the informal economy URSB able to expand services and collect more revenue	Resources provided through the JLOS secretariat were critical to ensuring that activities were implemented.	Primary	4
	Increased government interest/focus on strengthening the private sector/businesses	Rival (contributory)	4
	Increased interest and uptake of tech	Rival (contributory)	3
	Slow process of integration of systems between key JLOS institutions, means that effectiveness of some of the tech products is limited since there is no possibility to cross-reference with other key Government agencies like the Uganda Revenue Authority (URA), and National IDs Registration Authority (NIRA)	Rival (contradictory)	3

Initiatives supported by JLOS included: (i) Legal reforms e.g. chattel Act; Intellectual Property legislation; Marakesh treaty; Companies Act, etc- all with the aim of enhancing protections for businesses and fostering an environment for them to thrive (ii) training and capacity building of staff (iii) use of technology to enhance access, efficiency and effectiveness of operations (iv) increasing access to URSB services, and fostering financial inclusion e.g. SIMPO, Marakesh treaty & the visually impaired (v) establishment of regional offices to ensure greater physical access of services. The only support to URSB is from GoU and JLOS. JLOS is therefore critical to their work. Halting of resources has left some projects ‘hanging’ e.g. the URSB update of SIMPO cannot be carried out without the resources that were anticipated from JLOS

The contribution to the change by support to JLOS is considered highly significant. Largely because it was targeted at establishing and/or strengthening legal frameworks, systems and processes that not only address registration for businesses in general, but also specifically target small businesses, and vulnerable communities. In a sense, the support has provided proof of concept, the next phase of support should yield even more significant results.

Case 5 “How significant has provision of crime investigation kits (SOCO) in Kampala (and Masindi?) been in enhancing police capacity at forensic department of UPF, and hence in diminishing the case backlog?”

Observed change (outcome)	Contributing factors	Type	Significance scale 1 – 4 (low - high)
Strengthening Uganda Police’s capacity to conclude crime scene investigations efficiently	Resources to purchase SOCO kits provided by Dutch funding	Primary	3
	Other kits purchased using resources from Government (approx. 10 kits a year)	Rival (contributing)	2
	JLOS funding the forensic lab and training staff (UPF)	Rival (contributing)	4
	Roll-out of a crime records management system in Kampala which helps supervisors monitor performance	Rival (contributing)	2
	Unique fund for peace recovery in Northern Uganda accelerated presence of police	Rival (contributing)	1
	Coordinated approach within JLOS relating to case backlog interventions	Rival (contributing)	4
	Understaffing (ratio of CID to cases)	Rival (contradicting)	3

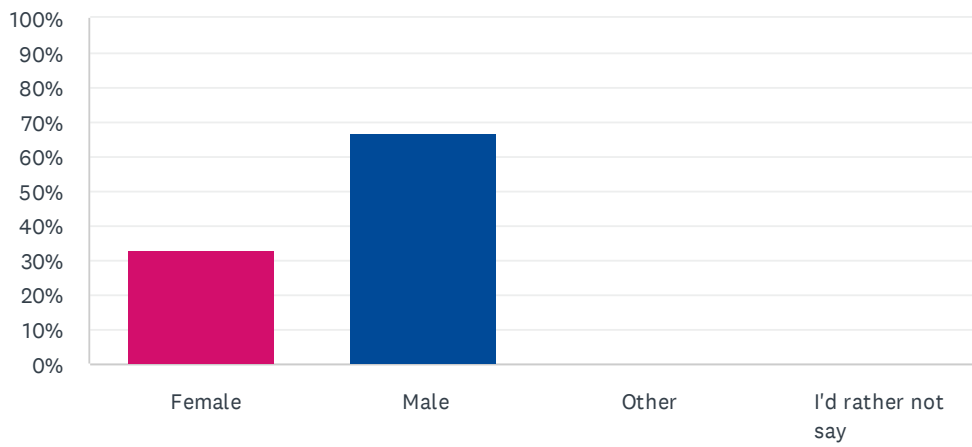
The resources were used to purchase kits to facilitate scene of crime officers to process crime scenes more efficiently, as part of the chain of stakeholders who could facilitate reduction of case backlog. Kits have helped in processing evidence from crime scenes faster. Evidence indicates there is positive trend in number of cases which are investigated by the Uganda Police to conclusion. The reports also indicate that the conviction rate has improved. As at 2016/17 baseline conviction rate was 60.1%. The conviction rate in 2019/20 had improved to 62.6% (Source: JLOS Annual Performance Report 2019/20, Page 78) and in 2020/21 it was reported at 75%, above the target of 65% (page 87 JLOS 2020/21 Annual Report)

However, the use of SOCO kits, is only one of the tools of evidence -based investigations (others include forensic examinations, etc). There are also quite some external rival factors that are contributing to this outcome, including additional government support to kits, but also to funding officers for training to ensure the forensic lab is considered a centre of excellence. In view of all these factors the Dutch support to JLOS towards SOCO kits helping to reduce case backlog is not yet making a significant contribution.

Annex 3 Survey Data

Q1 Please specify your gender

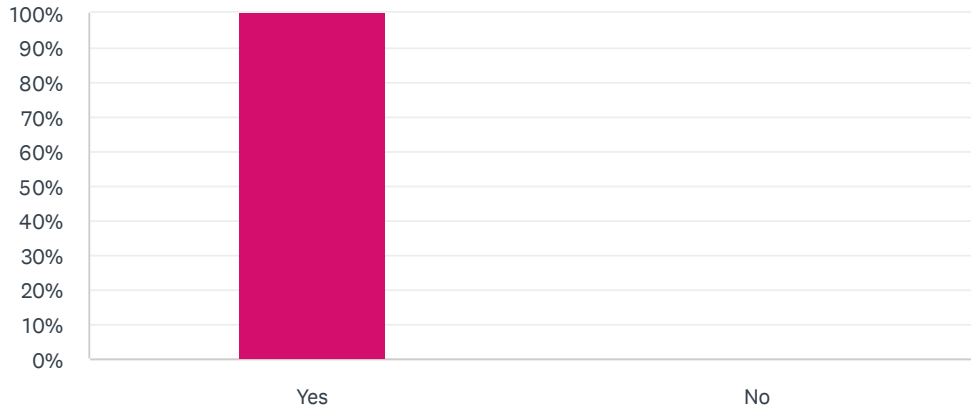
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ANSWER CHOICES	RESPONSES	
Female	33.33%	10
Male	66.67%	20
Other	0.00%	0
I'd rather not say	0.00%	0
TOTAL		30

Q2 Are you aware of or have you been involved with Dutch-supported JLOS activities?

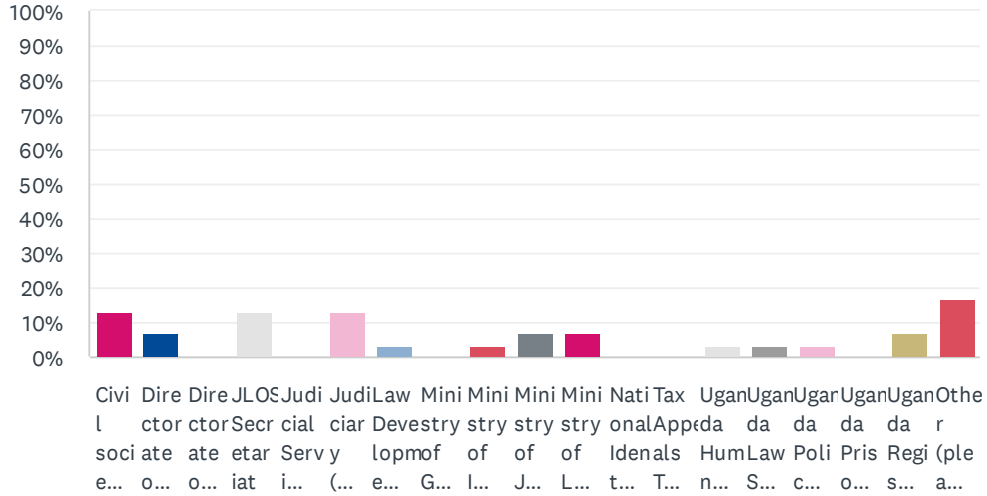
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ANSWER CHOICES	RESPONSES	
Yes	100.00%	30
No	0.00%	0
TOTAL		30

Q3 Please indicate for what institute(s)/organization type you are currently active:

Answered: 30 Skipped: 0

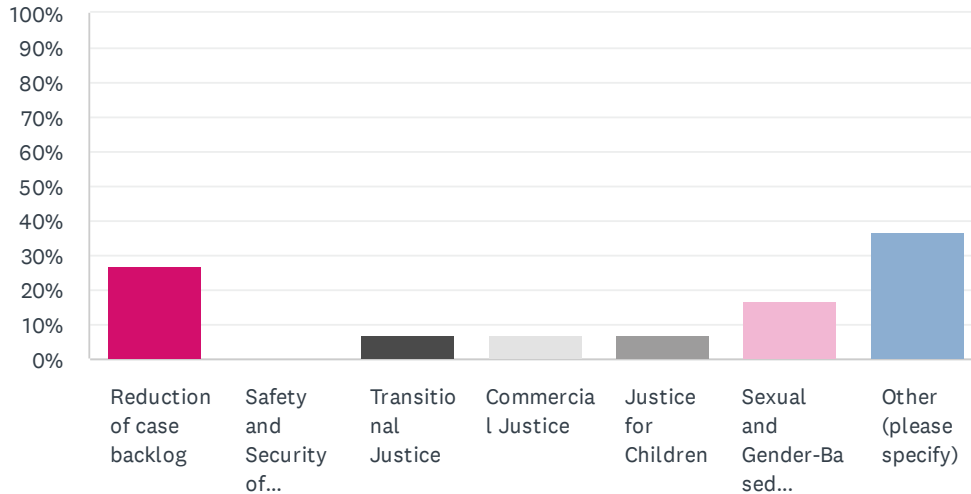


Dutch support to the Ugandan Justice Law and Order Sector (JLOS) - Survey

ANSWER CHOICES	RESPONSES	
Civil society (Association, NGO, Non-profit organization)	13.33%	4
Directorate of Citizenship and Immigration Control	6.67%	2
Directorate of Public Prosecutions	0.00%	0
JLOS Secretariat	13.33%	4
Judicial Service Commission	0.00%	0
Judiciary (Court of Appeal, High Court, Magistrate court, Justice centers)	13.33%	4
Law Development Centre	3.33%	1
Ministry of Gender, Labor and Social Development	0.00%	0
Ministry of Internal Affairs (Government Analytical Lab)	3.33%	1
Ministry of Justice and Constitutional Affairs	6.67%	2
Ministry of Local Government (Local Council Courts)	6.67%	2
National Identification and Registration Authority	0.00%	0
Tax Appeals Tribunal	0.00%	0
Uganda Human Rights Commission	3.33%	1
Uganda Law Society	3.33%	1
Uganda Police Force (Family and Refugees)	3.33%	1
Uganda Prison Service	0.00%	0
Uganda Registration Services Bureau	6.67%	2
Other (please specify)	16.67%	5
TOTAL		30

Q4 Please indicate in which of the following activity(-ies) you were involved in/with?

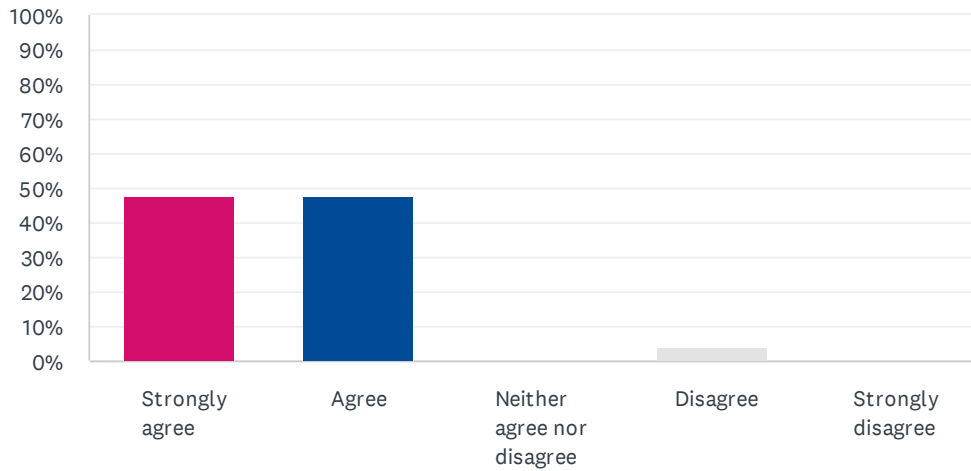
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ANSWER CHOICES	RESPONSES	
Reduction of case backlog	26.67%	8
Safety and Security of Refugees and host communities	0.00%	0
Transitional Justice	6.67%	2
Commercial Justice	6.67%	2
Justice for Children	6.67%	2
Sexual and Gender-Based Violence (SGBV)	16.67%	5
Other (please specify)	36.67%	11
TOTAL		30

Q5 To what extent do you agree that the planning of Dutch-supported interventions in your institution was realistic/well thought out?

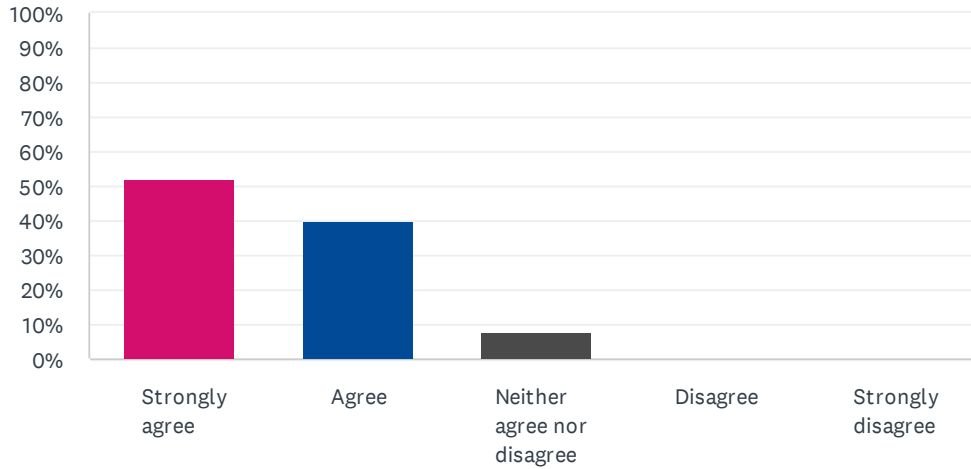
Answered: 25 Skipped: 5



ANSWER CHOICES	RESPONSES	
Strongly agree	48.00%	12
Agree	48.00%	12
Neither agree nor disagree	0.00%	0
Disagree	4.00%	1
Strongly disagree	0.00%	0
TOTAL		25

Q6 To what extent do you agree the planning of the Dutch-supported interventions in the JLOS-sector was adaptive to changing circumstances?

Answered: 25 Skipped: 5



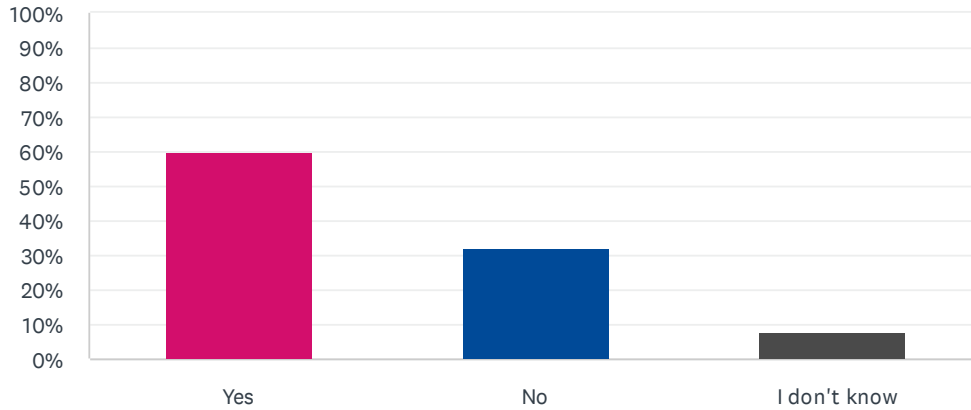
ANSWER CHOICES	RESPONSES	
Strongly agree	52.00%	13
Agree	40.00%	10
Neither agree nor disagree	8.00%	2
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		25

Q7 Could you please elaborate on your previous answers regarding the planning of Dutch-supported interventions being realistic/well thought out and adaptive to changing circumstances?

Answered: 20 Skipped: 10

Q8 Were JLOS-interventions adequately resourced, in terms of policy staff, to enable desired results?

Answered: 25 Skipped: 5



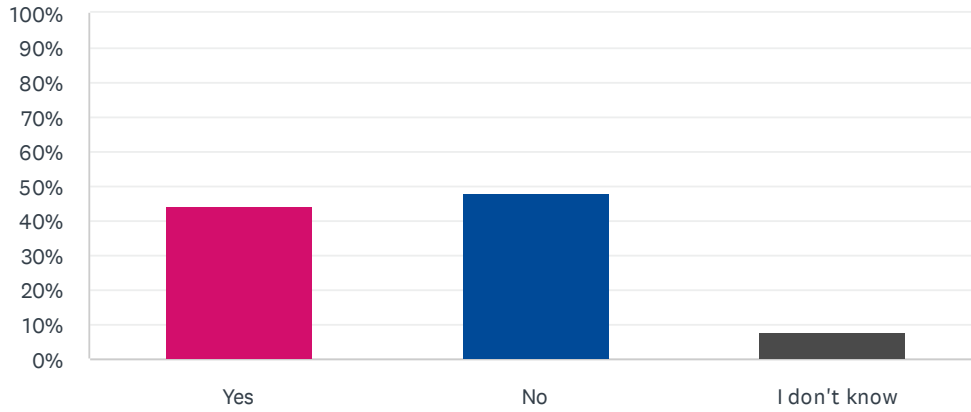
ANSWER CHOICES	RESPONSES	
Yes	60.00%	15
No	32.00%	8
I don't know	8.00%	2
TOTAL		25

Q9 Could you please elaborate on your previous answer?

Answered: 19 Skipped: 11

Q10 Were JLOS-Interventions adequately resourced, in terms of budget, to enable desired results?

Answered: 25 Skipped: 5



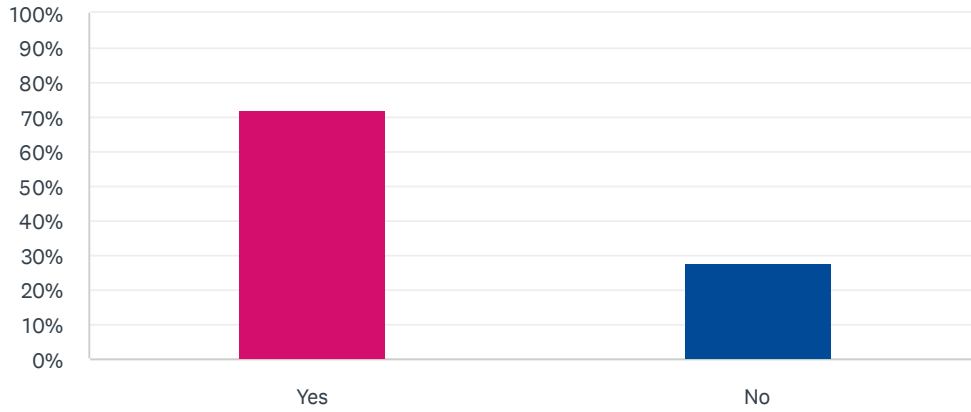
ANSWER CHOICES	RESPONSES	
Yes	44.00%	11
No	48.00%	12
I don't know	8.00%	2
TOTAL		25

Q11 Could you please elaborate on your previous answer?

Answered: 19 Skipped: 11

Q12 During the programme, did you encounter obstacles to the implementation of activities?

Answered: 25 Skipped: 5



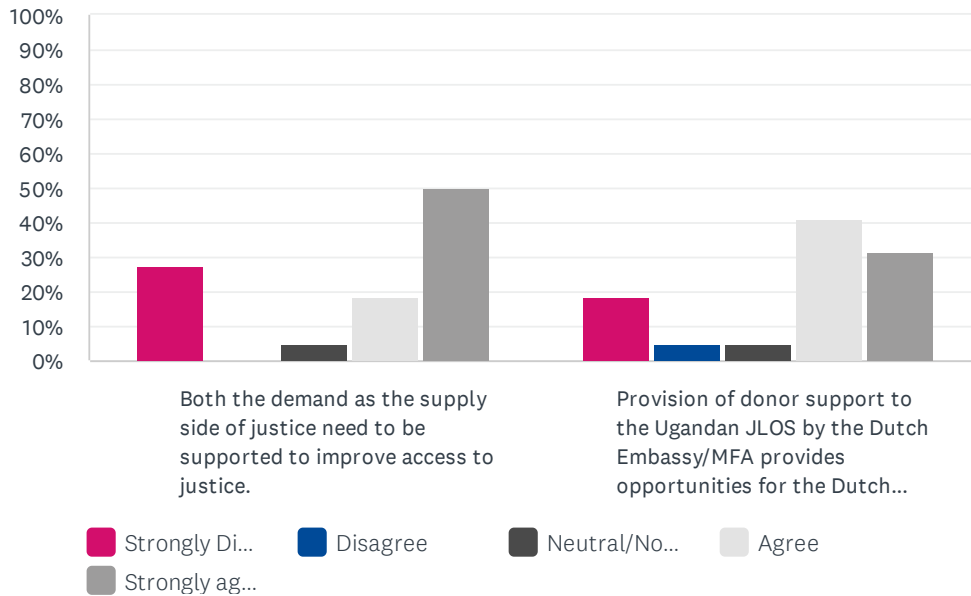
ANSWER CHOICES	RESPONSES	
Yes	72.00%	18
No	28.00%	7
TOTAL		25

Q13 What where these obstacles?

Answered: 18 Skipped: 12

Q14 To what extent do you agree or disagree with the following statements?

Answered: 22 Skipped: 8



	STRONGLY DISAGREE	DISAGREE	NEUTRAL/NO OPINION	AGREE	STRONGLY AGREE	TOTAL
Both the demand as the supply side of justice need to be supported to improve access to justice.	27.27% 6	0.00% 0	4.55% 1	18.18% 4	50.00% 11	22
Provision of donor support to the Ugandan JLOS by the Dutch Embassy/MFA provides opportunities for the Dutch Embassy/MFA to address matters/issues important to them.	18.18% 4	4.55% 1	4.55% 1	40.91% 9	31.82% 7	22

Q15 What would you identify as the key strengths of the Dutch-supported JLOS programme?

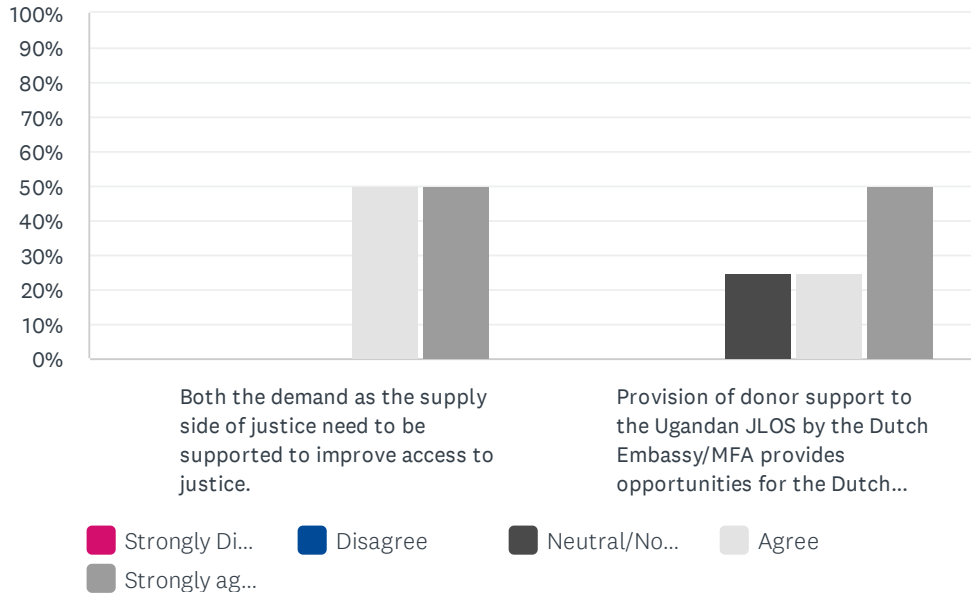
Answered: 22 Skipped: 8

Q16 What would you identify as the key weaknesses/gaps of the Dutch-supported JLOS programme in your institution?

Answered: 22 Skipped: 8

Q17 To what extent do you agree or disagree with the following statements?

Answered: 4 Skipped: 26



	STRONGLY DISAGREE	DISAGREE	NEUTRAL/NO OPINION	AGREE	STRONGLY AGREE	TOTAL
Both the demand as the supply side of justice need to be supported to improve access to justice.	0.00% 0	0.00% 0	0.00% 0	50.00% 2	50.00% 2	4
Provision of donor support to the Ugandan JLOS by the Dutch Embassy/MFA provides opportunities for the Dutch Embassy/MFA to address matters/issues important to them.	0.00% 0	0.00% 0	25.00% 1	25.00% 1	50.00% 2	4

Q18 What would you identify as the key strengths of the Dutch-supported JLOS programme?

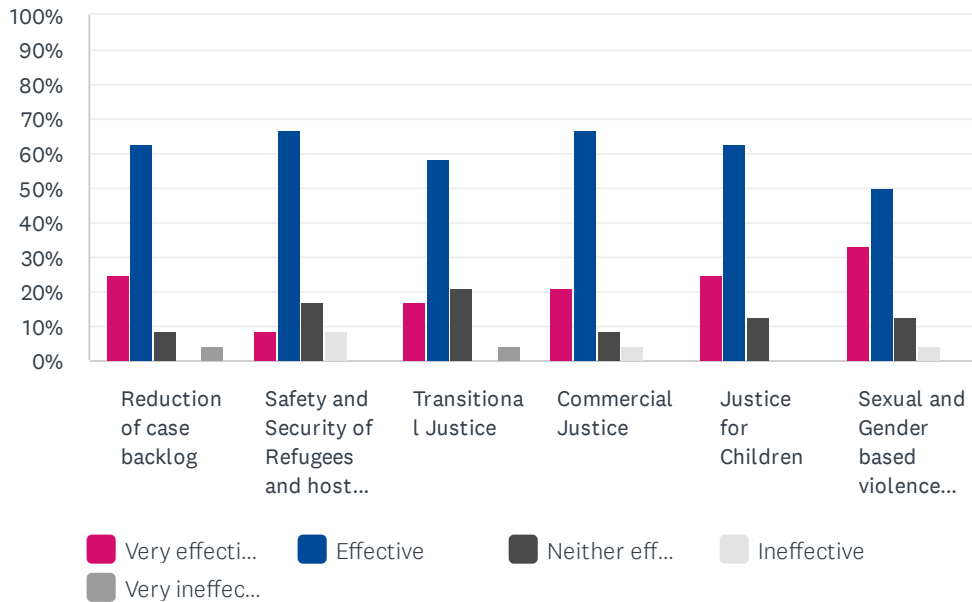
Answered: 4 Skipped: 26

Q19 What would you identify as the key weaknesses/gaps of the Dutch-supported JLOS programme?

Answered: 4 Skipped: 26

Q20 How effective was the Dutch-supported JLOS programme in implementing activities in the following key result areas?

Answered: 24 Skipped: 6



	VERY EFFECTIVE	EFFECTIVE	NEITHER EFFECTIVE NOR INEFFECTIVE	INEFFECTIVE	VERY INEFFECTIVE	TOTAL	WEIGHTED AVERAGE
Reduction of case backlog	25.00% 6	62.50% 15	8.33% 2	0.00% 0	4.17% 1	24	1.96
Safety and Security of Refugees and host communities	8.33% 2	66.67% 16	16.67% 4	8.33% 2	0.00% 0	24	2.25
Transitional Justice	16.67% 4	58.33% 14	20.83% 5	0.00% 0	4.17% 1	24	2.17
Commercial Justice	20.83% 5	66.67% 16	8.33% 2	4.17% 1	0.00% 0	24	1.96
Justice for Children	25.00% 6	62.50% 15	12.50% 3	0.00% 0	0.00% 0	24	1.88
Sexual and Gender based violence (SGBV)	33.33% 8	50.00% 12	12.50% 3	4.17% 1	0.00% 0	24	1.88

Q21 What do you see as the key results that were achieved through Dutch-support to the JLOS-sector?

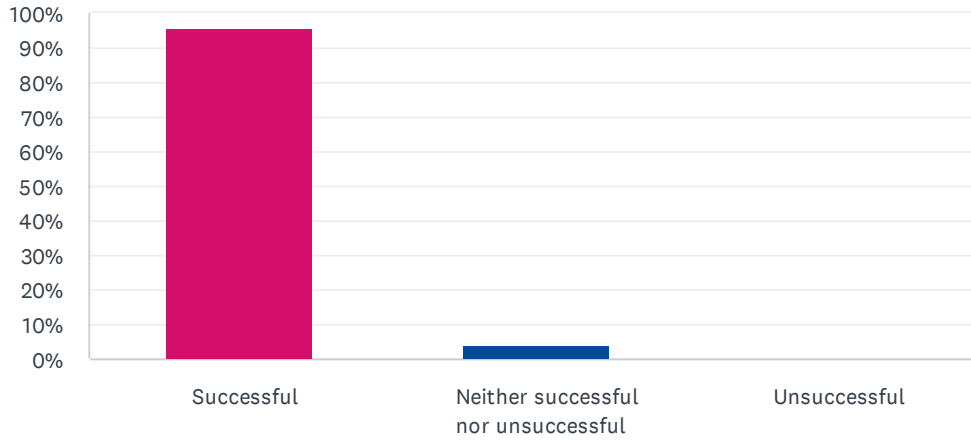
Answered: 24 Skipped: 6

Q22 Could you please identify and elaborate on the factors within the Dutch-supported JLOS programme that contributed to the progress or lack thereof?

Answered: 24 Skipped: 6

Q23 In your opinion, how successful was the Dutch-supported JLOS programme in linking rights holders to the longer-term programmes?

Answered: 23 Skipped: 7



ANSWER CHOICES	RESPONSES	
Successful	95.65%	22
Neither successful nor unsuccessful	4.35%	1
Unsuccessful	0.00%	0
TOTAL		23

Q24 What were the internal factors for the success of linking rights holders to the longer-term programmes?

Answered: 23 Skipped: 7

Q25 What were external factors for the success of linking rights holders to the longer-term programmes?

Answered: 23 Skipped: 7



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